

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** October 18, 2016  
**RE:** 17-0252SP; 329-375 North Avenue

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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: WRM Ward: 4N

Owner/Applicant: BCCH

**Request:** Second sketch plan review of planned unit development with mixed commercial and residential uses, related buildings, and infrastructure.

### **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 9 (Inclusionary and Replacement Housing), Article 10 (Subdivision), and Article 11 (Planned Unit Development)

### **Background Information:**

The applicant is requesting a second sketch plan review for a comprehensive build-out of some 15.5 acres of land. This additional sketch plan review is intended to reflect input from the initial sketch plan review that occurred in June 2016. A revised site plan has been provided along with some basic building height information. While the revised sketch plan submission does not contain anything stating so, it is assumed that the mix and density of uses remains similar to the 700+ dwelling units and some commercial space included in the original sketch plan. The following review is largely unchanged from the June 2016 review except where new information is provided and addressed in underlined language.

The project plan is for a Planned Unit Development with subdivision into several parcels for development. This Sketch Plan is being reviewed under the current regulations for the RM-W Zoning District; however the Development Agreement includes a provision for creating a new zoning district with specific standards and limitations. That proposed new zoning district remains in draft form. It has been passed by the Planning Commission and is pending with the City Council.

This review is subject to current zoning standards and limitations until such time as a new zoning district is formally adopted.

With the intent of the new zoning district in mind, there is tremendous importance in creating a vibrant, livable, human-scale neighborhood characteristic of Burlington; one that will be consistent with expressed values and characteristics and contributing to the legacy of Burlington's built environment.

## **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 water, sewer, and electricity. The proposed development is large enough that it will place significant new demands on these city utilities. A comprehensive analysis of existing utility infrastructure and identification of necessary upgrades will be required as part of the permit application.

- 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 properties, formerly comprising Burlington College, stretch from North Avenue to Lake Champlain. The properties are presently zoned waterfront medium density residential (WRM); however, a change in zoning to some sort of Neighborhood Activity Center is anticipated. Until or unless that change is made, a complete evaluation under this criterion is impossible. As proposed, the development will be bordered on three sides by RCO and/or conserved lands. Across North Avenue, there is a strip of Residential Low Density zone comprised mostly of detached dwellings and a handful of nonresidential uses. Whatever the eventual zone is, the existing character of the area will be transformed by the proposed development.

- 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 residential use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than that generated by other residential neighborhoods in the area. The rather large service area along "north" street may be a source of noise and odor. Details as to the management of this area will be needed with the permit application. Commercial uses have not been specified, so an analysis of those uses under this criterion are not yet possible. Details will be required as part of the permit application.

- 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;*

No traffic information is included in the sketch plans. The applicant is presently working with the Department of Public Works to develop a comprehensive traffic analysis. In addition to the typical considerations of daily and peak hour trip generation, accidents, and intersection level of service, the applicant is strongly advised to compare this proposed development to similar existing developments such as Finney Crossing in Williston and the Farrell Street development behind Shaw's in South Burlington.

*and,*

5. *The utilization of renewable energy resources;*

Little detail relative to this criterion is included in the sketch plans. Perspective drawings depict some rooftop solar panels. Insofar as possible, the applicant is encouraged to integrate renewable energy elements into the project design.

*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 were provided as part of the June 9, 2016 review. The permit application must address all comments provided.

(b) Major Impact Review Standards

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

No significant air or noise pollution is anticipated with this largely residential development.

See Sec. 5.5.3 for stormwater management.

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 information has been provided with respect to the number of anticipated school-age children. The Technical Review Committee meeting afforded the School Department an initial opportunity to evaluate and comment on this project. The permit application must include a delineation of dwelling units and bedroom counts (i.e. X number of 1-bedroom units, Y number of 2-bedroom

apartments, etc.) and an anticipated number of school age children. If this project receives final approval, impact fees would be paid to help offset impacts on the school system.

*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, the extent of those impacts cannot be determined at sketch plan review. All affected City Departments (Parks & Recreation, Fire, Police, Electric, CEDO, Planning & Zoning, School, and Public Works) will be involved in the review of this project.

*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 project is proposed in an area long targeted by the city for intensified development. The project is of sufficient size to warrant an analysis of city costs to support it and impact fees and infrastructure improvements to come as a result of it.

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

Insufficient details are included in the sketch plan to determine whether or not the project is in substantial conformance with the municipal development plan.

Generally, the project is located within a designated growth center wherein new and higher density development is targeted (Land Use Policies, pg. I-2). The zoning may well be changed to reflect this attribute. The proposed density takes the form of multiple very large buildings. The project layout has been revised to strengthen the interior streetscape with improved building alignment, introduction of some terminal views, and placement of a new building at the northwest corner of the development's main entry. There remains, however, a sizable disparity in the scale of new buildings relative to the neighborhood of homes opposite the project site along North Avenue.

This property is unique in that it is expansive, mostly undeveloped, and relatively isolated from most other neighborhoods. The orphanage building onsite is one of the largest structures along North Avenue. There is opportunity here to create a neighborhood that balances the scale and intensity afforded by the locally iconic orphanage building with the smaller scale, tightly knit neighborhood across North Avenue (City of Neighborhoods, pg. I-24). As noted under Article 6, there should be a diversity of scale and design set out in a cohesive streetscape characteristic of Burlington.

*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;*

As noted above, the proposed development is located in an area targeted for higher intensity development. Details as to amount, type, and affordability are sparse. The sketch plans note a total of 717 housing units. Some will be for sale, and others will be for rent. Per the requirements of Article 9, some of those must be affordable. As noted previously, a breakdown of unit types should be provided.

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

Residents of the new dwelling units will likely utilize the city's park and recreation facilities. A key component of this overall development is the sale of 12 acres to the city for conservation and designation as an "urban wild." If final approval is granted, park impact fees will be paid to help offset any related impact on park needs.

(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.

*2. Time limits for construction.*

No construction timeline is included in the sketch plans. For a project of this size, a construction schedule will be required as part of the permit application. Within that timeline, a phasing schedule is strongly recommended. Breaking the project into distinct phases will allow occupancy of buildings as they are completed while construction of others is ongoing. If the applicant wishes to pursue phasing, a phasing schedule must be provided with the permit application.

Alternatively, it is possible to pursue individual buildings and other project components via separate zoning permit applications. In this event, concurrent application and review are highly recommended.

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

The construction schedule must include proposed days and hours for construction. Details as to the commercial uses will be required. If any conditional uses are proposed, days and hours of operation may be limited.

*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.*

Not applicable for sketch plan review.

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

The project site is presently zoned Residential Medium Density – Waterfront. A change to some variety of Neighborhood Activity Center is anticipated. Review under the district-specific standards is moot until the applicable zoning district is confirmed.

## **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***

Presently, as RM-W zone, the buildable area provisions of this criterion apply. If the property is rezoned, buildable area may, or may not, apply depending on the rezoning. Buildable area eliminates areas of steep slopes (>30%) from lot coverage and density calculations. Slopes of between 15% - 30% may be counted at half density and coverage if the Development Review Board finds the scale and intensity of the development appropriate for its surroundings.

### ***Sec. 5.2.5, Setbacks***

See Article 4 above.

### ***Sec. 5.2.6, Building Height Limits***

See Article 4 above.

### ***Sec. 5.2.7, Density and Intensity of Development Calculations***

See Article 4 above.

### ***Sec. 5.5.1, Nuisance Regulations***

Nothing in the proposal appears to constitute a nuisance under this criterion. Details relative to commercial uses must be included in the permit application.

### ***Sec. 5.5.2, Outdoor Lighting***

No outdoor lighting information is included in the sketch plans. The permit application will require a comprehensive lighting plan depicting individual lighting environments (parking, walkways, entries, etc.), photometric plan(s), lighting fixture cutsheets, and locations.

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

Little in the way of stormwater management detail is included in the sketch plans. Conceptually, the applicant is aiming to handle as much stormwater onsite as possible rather than discharge to the city system. The onsite soils are sandy throughout and should be conducive to infiltration of all or most storm events.

No erosion control details are included in the sketch plans. A comprehensive erosion prevention and sediment control plan will be required upon permit application.

Review and approval of both items by the city's stormwater program will be required prior to final approval.

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

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

A separate subdivision application has been filed for subdivision of the property into multiple lots.

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

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

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

As noted, the precipitous grade change is the most notable feature within the development site. The plans intend to utilize those grade changes to effect and support in-ground parking facilities.

Three important areas were identified within the Open Space Plan: the trail to the bike path, the community gardens, and an identified sand pine natural forested area on the west of the site. The walkway and gardens are now largely within the city's open space parcel, and will be maintained by the City. The special natural area no longer exists.

A Tree Maintenance Plan has been in effect for the overall development area, much of which is now within the city-owned parkland. For the most part, the remainder of the landscape is lawn. The applicant is obligated to identify any other existing landscaping/specimen trees/plantings, and note on a landscaping plan which are to be removed and what is proposed.

#### *(b) Topographical Alterations*

As noted, clear information must be provided as to the degree of topographic alteration to occur to facilitate the development, including construction of sub-grade parking garages and building foundations.

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

An east-west greenway will extend behind the orphanage and buildings D and J. It is intended to be utilized as a civic space. On the easterly side, greenhouses and public gardens are proposed. A garland sidewalk extends westward, and will assure a corridor view of the lake and mountains to the west.

New buildings are oriented to maximize exposure to westerly views.

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

*Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).*

Alternations to the former orphanage have been permitted under previous permits. The former elementary school/priests' quarters on the southerly part of Lot 1 are less sensitive, and are likely to see the addition of a new structure fronting North Avenue. Although massing is illustrated on Plan L-100, no building details have been submitted.

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

At Sketch Plan, there is insufficient information to assess the utilization of renewable energy resources.

#### *(a) Brownfield Sites*

None of these sites are listed on Vermont's DEC site.

*(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.*

The applicant will be required to provide a fully developed Stormwater Management Plan and an Erosion Prevention and Sediment Control Plan at the time of application.

*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. Building design features are not always fully developed at the time of Sketch Plan. More detailed design plans were submitted May 13, 2016; more will be forthcoming at the time of application.*

*(h) Building Location and Orientation*

*The introduction of new buildings and additions shall maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing "street-edge," or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curb line and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.*

The revised sketch plans continue to depict a number of large buildings. The revisions; however, better align buildings along interior streets and access drives. The previous absence of a building on the northwest corner of the project's primary entrance has been remedied with the introduction of a new building. Just west of that, building C has been reconfigured with a section now running parallel to the new interior street.

While building alignment has improved, it is unclear if they have been pulled closer towards the interior streets. No change is apparent. The original sketch plans clearly depicted buildings placed 17' (buildings K, L, M) to -20+ feet from the public sidewalk (buildings M, P.) Such wide streetways, with buildings 100-115- from face-to-face across streets, weakens the sense of enclosure and place typically associated with a city neighborhood. Additional reinforcement of the street wall with buildings arranged up to the street and placed closer to the sidewalks will enhance the sense of place. In creating new urban fabric (and this is the genesis of a new Burlington neighborhood), arrangement that holds the street wall as paramount with building forms that take their cue from the block perimeter is desired.

*Principal buildings shall have their main entrance facing and clearly identifiable from the public street. The development of corner lots shall be subject to review by the city engineer regarding the adequacy of sight distances along the approaches to the intersection. To the extent practicable, development of corner lots in non-residential areas should try to place the building mass near the intersection and parallel to the street to help anchor the corner and take advantage of the high visibility location.*

As recommended, the revised sketch plans strengthen street corners within the interior of the development and along North Avenue. The northwest corner of the main entry has been revamped with the introduction of a new building, reconfiguration of surface parking, and reorientation of



building C. Adjustments have been made to primary building entries throughout to better define them and to improve their connection to the street network. East/west views have been preserved, and some new interior terminal views have been provided with the adjusted building placements. Previous comments relative to strengthening the interior streetscape remain pertinent. The view westward from “North” Street may have the opportunity to view the lake, but the proposed development could provide closure to the street space, while informing that something important lies just ahead. Vertical markers can furnish the terminus with something of visual interest to enhance the view from both land and water. Similarly, the view south from “West” Street has the opportunity to create a focal point: A tower, an arch, or other created emphases that would terminate the view, clearly arrange the street enclosure, provide a balance between the horizontality of the street and the horizon with the verticality of buildings (especially large structures, like proposed.) Varied building types and unique structural features can “lead” the eye around corners and enhance the experience within the development. Thoughtful analysis of these opportunities is strongly encouraged.

*In residential areas...*

Although the development area is now within the RM-W zoning district, it is expected that a new zoning district (NAC-SJO) will be adopted for the site which will alter the standards and provisions for regulatory review. The Board should consider standards similar to those within the Neighborhood Activity Center (Section 4.4.2) to be likely at the time of application and final review.

*(i) Vehicular Access*

*Curb cuts shall be arranged and limited in number to reduce congestion and improve traffic safety. A secondary access point from side roads is encouraged where possible to improve traffic flow and safety along major streets. The width and radius of curb cuts should be kept to the minimum width necessary, and sight triangles and sufficient turnarounds for vehicles shall be provided to reduce the potential for accidents at points of egress.*

The revised sketch plans appear to reduce the overall number of curb cuts. Along the northern access (“North Street”), the number has dropped from 8 to 6.

*Residential driveways shall be a minimum of 7 feet in width or consist of two 1.5’ driveway strips. Driveway strips shall be accompanied by a paved area for the parking and/or storage of motor vehicles. The maximum width for single or shared access driveways shall be 18’. In a residential district, driveways and parking areas shall be set back a minimum of 5’ from side and rear property lines.*

This is anticipated to be a new Zoning District similar to NAC, and no longer RM-W.

*(j) Pedestrian Access*

*Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety. Where sidewalks and driveways meet, the sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.*

A network of sidewalks is illustrated on submitted plans. Revised sketch plans depict for each building pedestrian walks that links to the public sidewalk.

*(k) Accessibility for the Handicapped*

*Special attention shall be given to the location and integration of accessible routes, parking spaces, and ramps for the disabled. Special attention shall also be given to identifying accessible access points between buildings and parking areas, public streets and sidewalks. The federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) shall be used as a guide in determining the adequacy of the proposed development in addressing the needs of the disabled. Typically plans are not sufficiently developed at the time of Sketch Plan Review to determine adequacy of accessibility features. More details will become available at application. Designated handicap parking spaces are illustrated on most surface parking areas. The adequacy will be under the review of the building inspector.*

*(l) Parking and Circulation*

*To the extent possible, parking should be placed at the side or rear of the lot and screened from view from surrounding properties and adjacent public rights of ways. **Any off-street parking occupying street level frontage in a Downtown Mixed Use District shall be setback from the edge of the front property line in order to provide space for active pedestrian-oriented uses.** Where street-level parking is provided within an existing structure, the cars shall be screened from the sidewalk and the area shall be activated with landscaping, public art, or other design amenities.*

The revised sketch plans depict what appear to be lessened surface parking areas; however, total parking numbers have not been provided with the revised sketch plans to confirm. Generally, the modified layout and placement of surface parking areas has reduced their apparent expanse and minimized their visibility behind buildings and other site elements.

At Sketch Plan Review, it is not possible to review the appearance of the proposed underground/under building parking to assess the visibility of cars. As the standards directs, cars must be screened from the sidewalk and the area activated with landscaping, art, etc.

*Parking areas of more than 20 spaces should be broken into smaller areas separated by landscaping.*

Most of the revised surface parking appears to be broken up into sections in order to address this criterion.

*Attempts to link adjacent parking lots or provide shared parking areas which can serve neighboring properties simultaneously shall be strongly encouraged.*

At this level of review, it is not clear to what use/building the parking is intended to serve. Some of the parking areas are linked. Further evaluation of efficacy and advantage can be made upon final application.

*Parking shall be laid out to provide ease in maneuvering of vehicles and so that vehicles do not have to back out onto city streets. Dimensions of spaces shall at a minimum meet the requirements as provided in Article 8. The perimeter of all parking areas shall be designed with anchored curb stops, landscaping, or other such physical barriers to prevent vehicles from encroaching into adjacent green spaces.*

At this broad level, it does not appear that any vehicles will have to back out onto public streets. Anchored curb stops or landscaping will be further defined as plans evolve.

*Surface parking and maneuvering areas should be shaded in an effort to reduce their effect on the local microclimate, air quality, and stormwater runoff with an objective of shading at least 30% of the parking lot. Shading should be distributed throughout the parking area to the greatest extent practical, including within the interior depending on the configuration. New or substantially improved parking areas with 15 or more parking spaces shall include a minimum of 1 shade tree per 5 parking spaces with a minimum caliper size of 2.5"-3" at planting. Up to a 30% waiver of the tree planting requirement may be granted by the development review board if it is found that the standard requirement would prove impractical given physical site constraints and required compliance with minimum parking requirements. All new shade trees shall be: of a species appropriate for such planting environments, expected to provide a mature canopy of no less than 25-feet in diameter, and selected from an approved list maintained by the city arborist. Existing trees retained within 25-feet of the perimeter of the parking area (including public street trees), and with a minimum caliper size greater than 3-inches, may be counted towards the new tree planting requirement.*

A landscaping plan that demonstrates compliance with the above standards will be a requirement at the time of application. The applicant is encouraged to consult with the city arborist about any trees to be planting along or within the public right-of-way to be consistent with overall objectives of the city Master Tree Planting schedule.

*All parking areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to building entrance(s) or a public sidewalk.*

Sidewalks thread between buildings and around parking areas, as well as running parallel to the new streets. The separation between vehicles and pedestrians is not equally clear on the surface parking lot D, immediately west of the orphanage.

*Where bicycle parking is provided, access shall be provided along vehicular driveways or separate paths, with clearly marked signs indicating the location of parking areas. Where bicycle parking is located proximate to a building entrance, all shared walkways shall be of sufficient width to separate bicycles and pedestrians, and be clearly marked to avoid conflicts. All bicycle parking areas shall link directly to a pedestrian route to a building entrance. All bicycle parking shall be in conformance with applicable design & construction details as provided by the dept. of public works.*

Bicycle parking is already provided for the college and the orphanage residences, per previous approvals and illustrated on this plan. A similarly determined bicycle parking effort is anticipated with this application, which purportedly will include facilities for bicycle wash and maintenance.

#### *(m) Landscaping and Fences*

At Sketch Plan, no fine grain detail is provided. A fully developed landscape plan will be required at the time of application. Some seating walls appear to be evident on Plan L101.

The applicant is encouraged to consult with the city arborist early to receive guidance on choice of species and caliper for street trees.

#### *(n) Public Plazas and Open Space*

*Where public open space is provided as an amenity to the site plan, it should be sited on the parcel to maximize solar exposure, with landscaping and hardscape (including fountains, sitting walls, public art, and street furniture) to encourage its use by the public in all seasons. Public plazas should be visually and physically accessible from public rights-of-ways and building entrances*

*where appropriate and shall be designed to maximize accessibility for all individuals, including the disabled and encourage social interaction.*

A largely uninterrupted viewscape to the west is provided behind the orphanage; within that area, walkways and an overlook are proposed. The green has been refined and now includes an area of hardscape along its north. An apparent playground is also provided. Smaller plazas are associated with other buildings within the development. Little detail is evident in the sketch plans.

*Public space should be coordinated with the surrounding buildings without compromising safety and visibility. Public spaces should be surrounded by active uses that generate pedestrian traffic, and connect the space to major activity centers, streets, or corridors.*

The lighting plan, when prepared, should take into consideration these proposed outdoor spaces to provide adequate illumination for safety assurance. Depicted patios seem associated with specific buildings and are connected to the network of sidewalks.

*New structures and additions to existing structures shall be shaped to reduce shadows on public plazas and other publicly accessible spaces. In determining the impact of shadows, the following factors shall be taken into account: the mass of area shaded, the duration of shading, and the importance of sunlight to the utility of the type of open space being shadowed. Proposed development shall be considered for solar impact based the sun angle during the Vernal and Autumnal equinox.*

The applicant should plan to prepare a shading study when building heights are finalized, to evaluate impacts to the surrounding area.

*(o) Outdoor Lighting*

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

A fully developed lighting plan, with photometric, fixture specs and mounting heights, will be required at the time of application.

*(p) Integrate infrastructure into the design*

*Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.*

*Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.*

*Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.*

New utilities are expected to be undergrounded. Trash and recycling accommodations are best planned for within building structures, not as an afterthought. The applicant is encouraged to thoughtfully arrange the design of these facilities to maximize performance and minimize (or eliminate) visibility. The large service court previously located along “North Street” has been reconfigured and internalized. The sketch plans do not contain much in the way of detail;

however, this service court no longer consumes a wide expanse of “North Street.” The reconfiguration does much to strengthen this new street rather than relegate it to back alley status.

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

#### **Sec. 6.3.2 Review Standards**

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

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

This is a neighborhood without an easy comparison: 8 five story buildings (including the orphanage); 6 four story buildings, 1 three story parking garage, a one story greenhouse and ground level fitness center. Rather than a typical neighborhood that may have evolved over a period of time, this proposal will create a new one out of whole cloth. There is no analogous neighborhood arrangement, short of college dormitories. The buildings themselves are all large scale buildings; nearly all with flat roofs. The size of the orphanage, itself one of the largest buildings in Burlington, will be negligible among this collection of sizable buildings.

Common design elements include breaking up building mass by color block and window arrangement; top floors are frequently “pedestaled” and set back from the lower block. There is homogeneity in the treatment of building mass by design, despite the rearrangement of windows and manipulation of building plane. Creation of new urban fabric should include a diversity of form, style and scale consistent with evolutionary neighborhood development; more in keeping with Burlington’s character, providing greater visual interest, and more familiar and therefore comfortable to its residents.

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

The orphanage will retain its gabled/dormered roof; all but building I are proposed to have flat roofs.

###### *3. Building Openings*

Preliminary design plans were received May 13<sup>th</sup>. Each building warrants its own review, but the effort is challenging given the number of buildings proposed. If there are similarities, buildings are broken up by color blocks, windows arranged in columns.

##### *(b) Protection of Important Architectural Resources*

*Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.*

Renovations to the orphanage have been permitted under separate review. All other buildings will be new, and without historic review. Some discussion may be appropriate about how the new development impacts the public’s ability to perceive and appreciate the former Providence Orphan Asylum / St. Joseph’s Orphanage. New development should give deference to historic resources, respectful of spatial relationships important to the property. From Section 5.4.8:

*New additions, exterior alterations, or **related new construction** will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, **scale, proportion and massing** to protect the integrity of the property and its environment.*

While the new development is detached from the former orphanage (except for a potential new addition to building B), the grandness of the iconic building is somewhat lost among the assemblage of very large scale structures.

*(c) Protection of Important Public Views*

See Section 6.2.2. (c).

*(d) Provide an active and inviting street edge*

Additional information relative to the street presence of individual buildings was submitted May 13th; however the overall massing of the buildings and their alignment to the street (or not) sets the base plan for whether or not the fabric is successfully woven for the urban neighborhood. As noted in Section 6.1.2 and 6.2.2, there are voids in the streetscape, elongated buildings that make for uncomfortable pedestrian distances without relief, and a plethora of surface parking that diminish the success of the overall development. Building design standards require a human-scale pedestrian interface, at least at the ground level, for all the buildings.

*(e) Quality of materials*

*All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.*

*Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.*

Not enough information has been submitted at Sketch Plan to assess individual material palettes of the new buildings. These are expected at final application.

*(f) Reduce energy utilization*

All new structures must 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.

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

No advertising is included within this review. Any signage will require separate permitting.

*(h) Integrate infrastructure into the building design*

See Section 6.2.2. (p) above.

*(i) Make spaces secure and safe*

All appropriate means of ingress and egress, and code requirements for building and life safety as defined by the building inspector and fire marshal must be observed.

**Article 8: Parking**

***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

As presently zoned, the subject property is located in the neighborhood parking district. Within this parking district, 2 parking spaces per dwelling unit are required (1,434 spaces). The anticipated zoning change would also likely change the parking designation to shared use parking district. In that event, 1 parking space per dwelling unit would be required (717 spaces). A parking table has been provided and notes a total of 1,150 parking spaces. It is unclear in this table how the existing 65-unit orphanage building and its parking plays into the overall parking scenario.

Note that these figures do not account for any of the commercial space. Specific uses must be noted with the permit application. Based on those specific uses, parking requirements can be determined.

#### ***Sec. 8.2.5, Bicycle Parking Requirements***

A number of outdoor bike racks are evident in the sketch plans. Beyond that, details are lacking. Based on 717 dwellings, the minimum bike parking for the residences will be 179 long term spaces (1 per 4 units) and 72 short term spaces (1 per 10 units). Commercial bike parking requirements cannot be determined until the commercial uses are specified.

### **Article 9: Inclusionary and Replacement Housing**

#### ***Sec. 9.1.5, Applicability***

As the proposed development includes more than 5 new dwelling units, it is subject to the inclusionary housing provisions of this Article. Twenty-five percent of the total unit count must be inclusionary (25% of 717 is 179 dwelling units) in this waterfront zone. This standard is expected to remain the same with any rezone. Details are lacking in the sketch plans, but it is anticipated that partnership with a local affordable housing developer will provide the required inclusionary housing within the development as outlined in the Development Agreement.

### **Article 10: Subdivision**

Subdivision of the land into separate parcels is being pursued under separate zoning permit.

### **Article 11: Planned Unit Development**

#### ***Sec. 11.1.6, Approval Requirements***

*(a) The minimum project size requirements of Sec. 11.1.3 shall be met*

Presently, the RM-W zone requires a 2-acre minimum project size for a planned unit development. The property exceeds this minimum size. As NAC, the minimum project size for PUD would be eliminated.

*(b) The minimum setbacks required for the district have been met at the periphery of the project*  
Minimum setback requirements cannot yet be determined with the applicable zone in flux.

*(c) The project shall be subject to design review and site plan review of Article 3, Part 4*  
See Articles 3 and 6 above.

*(d) The project shall meet the requirements of Article 10 for subdivision review where applicable*  
See Article 10 above.

*(e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project*

Compliance with this criterion cannot be ascertained until the applicable zoning district is finalized.

*(f) All other requirements of the underlying zoning district have been met as calculated across the entire project*

As above, compliance with this criterion cannot be determined until the applicable zoning district is finalized.

*(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB*

The sketch plans contain no details relative to maintenance of open space or common lands within the development. Presumably, some sort of HOA will be formed and will be charged with maintenance of open space and common lands. Details will be required with the permit application. Twelve acres of the original ~30 have been sold to the city for open space preservation. Management of those lands will be handled by the city's Parks & Recreation Department.

*(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.*

See Sec. 3.5.6 (a) 11.

*(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests*  
*Sec. 11.1.1, Intent*

*(a) Promote the most appropriate use of land through flexibility of design and development of land;*

The proposed land uses for this property include a mix of conservation, residential dwellings, commercial spaces, and related infrastructure. A project of this size and diversity is most appropriately handled by way of the planned unit development process. The PUD process enables flexibility in design to create something other than a traditional residential subdivision with detached dwelling units on individual lots.

*(b) Facilitate the adequate and economical provision of streets and utilities;*

Multiple residences will be served by shared streets and utilities within the development.

*(c) Preserve the natural and scenic qualities of open space;*

Most of the open space is contained within the 12-acres of conservation land recently sold to the city. Much of this land remains wooded and preserves views to and from the lake. Within the development, a large center green space will also afford easy access to open space and outdoor activities.

*(d) Provide for a variety of housing types;*

The sketch plans contain little information relative to the variety of proposed housing – only that some will be affordable, some will be rental, and some will be for sale. All of it will be in large multi-family buildings. Additional information relative to the mix of housing units to be provided will be required with the permit application.



*(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and, The subject property does not need to be developed as a PUD. The scale, intensity, and type of development proposed; however, is most appropriately handled via the PUD process.*

*(f) Achieve a high level of design qualities and amenities. At sketch plan, building and site design are preliminary, as are anticipated amenities. Significant improvements and details are anticipated following completion of the sketch plan process.*

*(j) The proposed development shall be consistent with the Municipal Development Plan See Sec. 3.5.6 (b) 10.*

*(k) Any proposed accessory uses and facilities shall meet the requirements of Sec. 11.1.6 below. Not applicable to the development as proposed.*

## **II. Conditions of Approval**

Not applicable for sketch plan review.