

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: May 15, 2018
RE: ZP18-0809CA; 1106 North Avenue

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

Project Number: ZP18-0809CA

Zone: RM **Ward:** 7N

Date application accepted: March 22, 2018

Applicant/ Owner: CDI / North Avenue Cooperative Inc.

Request: Install 3 new HUD homes (14' x 60') at empty site of former flower shop.

Background:

There are dozens of permits of individual home lots on interior avenues A, B, and C. See attached spreadsheet of permits approved since sale of park, when survey and coverage baseline were established. Among the most recent permits issued:

- ◆ Zoning Permit 18-0015CA; replace double garage door on maintenance shed with overhead door. July 2017.
- ◆ Zoning Permit 17-1084SN; sign for community garden. May 2017.
- ◆ Zoning Permit 17-0520FC, replace wood fence with approx. 80 ft of chain link fence on south east property line. October 2016.
- ◆ Zoning Permit 16-0595CA; confirm removal of three mobile homes and demolition of greenhouse permitted under ZP99-492 and ZP 06-341; demolish remainder of storage structure. Amend 06-341 to abandon request to convert greenhouse lot to a machine and storage yard with retention of flower beds. No establishment of parking, no dry wells. The entire lot will be returned to green. November 2015.
- ◆ Zoning Permit 16-0838SN; freestanding sign for North Avenue Co-op Inc. February 2016.

Overview: The North Avenue Cooperative (formerly Farrington's Mobile Home Park) requests placement of three new homes on a site formerly occupied by a floral building. The entire park is a single parcel; coverage and setbacks are based on the entire site, and not on individual lots. The floral buildings have been removed under previous permitting and the lot is currently empty. The applicant is also requesting a phased permit with a three-year time limit to allow for immediate occupancy of homes when complete.

There are special standards for review of Mobile Homes Parks; refer to Section 5.4.12.

Recommendation: Consent approval, per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

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 subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4

Section 3.3.3 Exemptions and Waivers

(c) Affordable Housing Waivers

Any residential project containing newly constructed units or substantially rehabilitated housing units that are affordable for households as described in subsections (1), (2), or (3) below are eligible for a waiver of impact fees for that portion of the project. The terms, rules, and regulations used herein shall be the same as those defined and specified in this Ordinance pertaining to Inclusionary Zoning (Article 9).

The Housing Trust Fund manager has been notified of the application and consulted relative to the applicability of an Affordable Housing Waiver. It appears the project may be eligible for a waiver under Section 5.4.12 (a) 8. If no waiver is granted, the project shall be subject to Impact Fees which will be calculated on the total gross square footage of the building(s). **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.

Article 4: Zoning Maps and Districts

Section 4.4.5 (b) Dimensional Standards and Density

Table 4.4.5-3 Residential District Dimensional Standards

RM Zoning District	Max Lot Coverage 60%* *Per Section 5.4.12, Mobile Home Parks.	Setbacks			Max Height 35'
		Front min/max of 2 adjacent lots on both sides	Side Min 10% of lot width or ave. of side yard setback	Rear Min 25% lot depth but in no event less than 20'	

			of 2 adjacent lots on both sides		
1106 North Avenue	44.86 existing; 45.53 proposed	No change. Existing home west of this lot.	No change. Existing homes south of this site.	No change. Existing homes east of this site.	< 35'

Affirmative finding.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

Not applicable.

Section 5.2.2 Required Frontage or Access

The Co-op has established access off North Avenue. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

The parcel exceeds 2 acres in size and is in a zoning district subject to Buildable Area review. The specific location for the three homes, however, has previously been developed. The parcel is not inundated at least six months per year by water or have a slope in excess of 30%.

Affirmative finding.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7 Density and Intensity of Development Calculations

Mobile home parks have their own set of standards. The State of Vermont has approved the mobile home park for 120 units; there are 116 at present. The addition of 3 new housing units is within the state allocation for the park. See Section 5.4.12 for specific standards for mobile home parks. **Affirmative finding.**

Part 3: Non Conformities

The entire mobile home park is non-conforming. See Section 5.4.12 (b), below.

Sec. 5.4.8 Historic Buildings and Sites

Not applicable.

Section 5.4.12 Mobile Home Parks

In addition to the applicable provisions of Stie Plan Design Standards in Article 6 Part 2 and Article 10 Subdivision Review (if applicable), the following additional regulations shall be applicable to any application involving a Mobile Home Park. The provisions of Article 3 Part 5

for Conditional Uses shall also apply to applications involving new or expanded Mobile Home Parks.

The park itself is not new, and is not expanding from its current size of 11.06 acres. Conditional Use Review does not apply.

(a) Mobile Home Parks

Regarding the establishment and operation of a Mobile Home Park:

The North Avenue Co-operative is an existing mobile home park; not one being established. Applicable standards are noted, below.

- 1. The required minimum lot size, lot frontage, and waterfront setback, and required maximum density and building height shall be as required per the applicable Zoning District standards found in Tables 4.4.5-1, 4.4.5-2 and 4.4.5-3.*

The North Avenue Co-op is an existing, non-conforming Mobile Home park. Not applicable.

- 2. The required minimum side and rear setback shall be 20' and shall be calculated at the periphery of the Mobile Home Park.*

Not applicable.

- 3. The maximum permissible lot coverage shall be 60% calculated across the entire Mobile Home Park parcel.*

45.53% proposed. **Affirmative finding.**

- 4. The required minimum lot size shall be for the entire Mobile Home Park parcel, not the individual mobile home lots.*

This is not a newly established mobile home park. Lot size for the entire park remains as existing. The homes are proposed for an interior lot that previously contained a floral shop. **Affirmative finding.**

- 5. The required minimum separation distance between individual Mobile Homes within the Mobile Home Park shall be 10'.*

16' proposed. **Affirmative finding.**

- 6. One (1) on-site parking space shall be required per individual Mobile Home.*

The plan will provide one parking space for each of the new homes. **Affirmative finding.**

- 7. The Mobile Home Park shall maintain a circulation network that provides direct access to, and the mobility and replacement of, each individual Mobile Home.*

The placement of homes will not prohibit circulation or direct access. **Affirmative finding.**

- 8. Mobile Home Parks shall be exempt from the requirements of Art 9, Part 1 Inclusionary Zoning.*

As noted.

9. *Individual Mobile Homes may be removed without triggering the requirements of Art 9, Part 2 Replacement Housing provided the total number of permitted Mobile Home lots remain available for occupancy, and any vacant lots are being actively marketed to prospective occupants.*

Although not direct replacement housing after immediate loss of a unit; these are to replace and fill the occupancy limit of 120 units approved by the State of Vermont. Although there have been more homes within the park in the past, there are 116 at present. **Affirmative finding.**

(b) Non-Conforming Mobile Home Parks

1. *Where a pre-existing Mobile Home Park is nonconforming pursuant to Art 5, Part 4, the entire Mobile Home Park, and not individual Mobile Homes and lots, shall be treated as nonconforming.*

This is an established mobile home park that is non-conforming.

2. *A Mobile Home Park shall be considered abandoned when the Mobile Home Park as a whole has been vacant for a period of six months or more. An individual Mobile Home lot that is vacated shall not be considered abandoned. No pre-existing nonconforming Mobile Home Park may be resumed once it has been abandoned except in full conformity with these bylaws.*

The park is not abandoned. Not applicable.

3. *An individual Mobile Home within a nonconforming Mobile Home Park may be altered, expanded, or replaced, provided:*
 - a. *the applicant provides proof of adequate water and wastewater capacity;*
 - b. *any portion of the relocated or expanded Mobile Home shall not be located less than five (5) feet from any other primary structure(s); and,*
 - c. *the expansion or replacement will not:*
 - i. *obstruct or prohibit ingress or egress for any primary structure;*
 - ii. *obstruct or prohibit mobility or replacement of any primary structure;*
 - iii. *obstruct or prohibit the provision of emergency services;*
 - iv. *obstruct existing utilities or rights of way; nor*
 - v. *threaten or unduly degrade public health, safety, or welfare*

The City of Burlington Water Department has confirmed adequate water and sewer capacity for the new homes. See attachment. Homes will be placed with adequate space between them and other structures to meet these standards. Their placement will not obstruct or prohibit ingress and egress for any primary structure; obstruct or prohibit mobility or replacement of any primary structure, or obstruct or prohibit the provision of emergency services. They will not obstruct existing utilities or rights of way, or unduly degrade public health, safety or welfare. The proposed three homes will be placed on a site previously occupied by a greenhouse/florist, which has been removed. Free

circulation will remain on Avenues A and B, with entrances on the north and south of this site. The homes will have driveways fronting Avenue A, each providing one parking space. **Affirmative finding.**

4. *Any of the requirements in (3) above may be waived by the DRB provided:*
 - a. *the applicant demonstrates that adherence to these standards would have the effect of prohibiting the replacement of a Mobile Home on an existing lot;*
 - b. *the DRB shall provide only the minimum waiver that will afford relief and will represent the least deviation possible from the bylaw, while ensuring public health, safety, and welfare; and,*
 - c. *in approving any waiver, the DRB may impose conditions requiring design features, screening, or other remedy as may be necessary to mitigate anticipated impacts of granting any such waiver.*

No waivers are requested. Not applicable.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

There are no important natural features at this location in the park. It is empty after the florist building was removed. **Affirmative finding.**

(b) Topographical Alterations:

None proposed. **Affirmative finding.**

(c) Protection of Important Public Views:

There are no protected public views from this parcel. **Affirmative finding.**

(d) Protection of Important Cultural Resources:

Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

The application does not preclude the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

(f) Brownfield Sites:

The parcel is not on the VT DEC's Brownfield list. **Affirmative finding.**

(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.

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 slabs that will be placed under the homes are pre-cast, and the only excavation that will be necessary is a 1-foot-wide “trench” around the perimeter that will be backfilled with the same material. The City’s stormwater engineering staff has reviewed the plan and concurred that the small amount of excavation, and the three year phasing of the project limit ground disturbance. No EPSC plan is required.

Affirmative finding.

(h) Building Location and Orientation:

The placement site is interior to the parcel, and surrounded on all four sides by circulation roads within the park. The homes will be situated with parking on the west of the lot. Location and orientation are consistent with other homes on Avenue A and within the park in general.

Affirmative finding.

(i) Vehicular Access:

Access to the parcel remains west of the site. Parking spaces for the three new units will be situated on the westerly side of the lot, with access from Avenue A. **Affirmative finding.**

(j) Pedestrian Access:

All three homes will have double landings for resident access. There are no public sidewalks within the interior of the park, but are available westerly of this lot along North Avenue.

Affirmative finding.

(k) Accessibility for the Handicapped:

Handicap accessibility is under the review of the building inspector.

(l) Parking and Circulation:

Each home will have one parking space, consistent with Section 5.4.12 (a). **Affirmative finding.**

(m) Landscaping and Fences:

The area surrounding the homes will remain green. No other landscaping is proposed at this time. **Affirmative finding.**

(n) Public Plazas and Open Space:

There are no public plazas associated with 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.

The applicant has provided a plan for overall park lighting, which is not proposed to be altered. Homes are factory manufactured pre-wired for residential scale lighting. **Affirmative finding.**

(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.

All utility lines shall be buried for new construction. Mailboxes are provided at each home. Communal trash and recycling facilities are at another location in the park, but roll-off totes will be provided to each of the homeowners. The applicant defines a lot contract agreement that homeowners store their totes out of sight until trash pick-up day. **Affirmative finding as conditioned.**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The new homes are consistent with the massing, height and scale of existing homes within the park. **Affirmative finding.**

2. Roofs and Rooflines.

The new homes are consistent with the rooflines of existing homes within the park. **Affirmative finding.**

3. Building Openings

The building openings are similar to other homes within the neighborhood. **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 new units will present a fresh, modern appearance of new homes within the park.

Affirmative finding.

(e) Quality of materials:

Manufactured housing has standardized construction, including materials. From their product information:

These are homes built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. Manufactured homes may be single- or multi-section and are transported to the site and installed. The federal standards regulate manufactured housing design and construction, strength and durability, transportability, fire resistance, energy efficiency and quality. The HUD Code also sets performance standards for the heating, plumbing, air conditioning, thermal and electrical systems. It is the only federally-regulated national building code.

As federally regulated, the quality of materials is anticipated to be acceptable. **Affirmative finding.**

(f) Reduce energy utilization:

See above. **Affirmative finding.**

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

Development is required to meet all applicable building and life safety codes as defined by the building inspector and fire marshal. **Affirmative finding as conditioned.**

Article 8: Parking

Per Section 5.4.12 (a), one parking space is required for each unit. Three new parking spaces are proposed to serve the three new homes. **Affirmative finding.**

II. Conditions of Approval

1. Impact fees, calculated on the total gross square footage of the principal use of the building(s), shall be paid at least seven (7) days prior to

occupancy unless a waiver is provided by the Housing Trust Fund Manager.

2. This permit is for two phases, with a total permit life of three years.
3. Utility lines shall be buried.
4. Standard Permit Conditions 1-15.

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