

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin
DATE: May 2, 2017
RE: 17-0755CA/CU; 235 Penny Lane
17-0756CA
17-0757CA

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: DW-PT Ward: 3C

Owner/Applicant: City of Burlington / Burlington Harbor Marina, LLC

Request: Construct marina, parking lot, and related site improvements.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 10 (Subdivision)

Background Information:

The applicant is seeking approval to establish a marina adjacent to the city's fishing pier at the end of Penny Lane. Most of the facility will actually be floating on the lake and is not included in this zoning permit. The zoning permit sought is for onshore improvements only and, of course, the proposed use. VT ANR and the US Army Corps of Engineers have permitting jurisdiction over the lake encroachment. Onshore construction includes a new marina yard and drop-off plaza, conversion of the present lakeside parking lot into park space, and construction of a new parking area east of the Burlington Electric Dept. building (where the approved but not constructed Moran parking lot was to be located). The existing pavilion next to the Water Department building will be demolished. The project spans three parcels and, therefore, includes three zoning permit applications – all reviewed concurrently. Lot line adjustments affect two of the parcels.

The Conservation Board reviewed this project February 6, 2017 and unanimously recommended approval of the project as presented.

The marina is a permitted use in the Downtown Waterfront – Public Trust (DW-PT) zone. Following comment from the state floodplain coordinator, the original plans have been revised to move all onshore construction above the 102' elevation (limit of the base flood); however, the proposed gangway necessarily crosses a small sliver of land between the upland and floating marina facilities that lies within the Special Flood Hazard Area (SFHA) – between 95.5' and 102' elevation. This encroachment into the SFHA triggers conditional use review in addition to the

SFHA review criteria under Sec. 4.5.4. The conditional use criteria have nothing to do with the SFHA criteria; however, this conditional use trigger was missed as part of zoning amendment ZA-15-02 that limited conditional use review to only those uses noted as conditional use in *Appendix A – Use Table – All Zoning Districts*. As noted above, the state floodplain coordinator has reviewed and commented on the proposal.

There is no previous zoning activity for this particular address. The public fishing pier (under 0 Lake St) was approved 8/26/99.

The Development Review Board initially reviewed this proposal on March 21, 2017. The Board continued the public hearing to allow the applicant time to address outstanding items related to parking, traffic, infrastructure, and comments of the state’s Floodplain Coordinator. Additional information has been provided to address those items, and city staff and the applicants will be present at the May 2, 2017 public hearing. Changes to these findings are underlined in red.

Recommendation: Certificate of Appropriateness and Conditional Use approval as per, and subject to, the following findings and conditions.

I. Findings

Article 1: General Provisions

Part 1: General Provisions

Sec. 1.1.4 Jurisdiction

Question was raised as to why review of this zoning permit application does not include the floating components of the proposed marina. The Comprehensive Development Ordinance expressly applies to all land within the City of Burlington. Its jurisdiction does not extend to the waters of Lake Champlain. As noted above, state and federal jurisdictions apply within the waters of the lake. A nearby example of this arrangement is the Burlington Boat House. It floats on the lake and did not receive a zoning permit. A requested opinion from the City Attorney’s Office remains pending. (Affirmative finding)

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 utilities. Sufficient water and sewer service are available. A State of Vermont wastewater permit will be required. A capacity letter issued by the Dept. of Public Works has been obtained. Impact fees will be paid to help offset impacts on municipal utilities and facilities. **(Affirmative finding as conditioned)**

- 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 property is located in the Downtown Waterfront – Public Trust (DW-PT) District. This district is intended to enhance and diversify commercial and residential development in the downtown waterfront area, and to increase access, utilization, and enjoyment of the lakeshore by the community. Strong emphasis is placed on enhancing public access to the lakeshore. The proposed marina is consistent with this intent. **(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 marina is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. The proposed construction is set far from homes further south along Lake Street. **(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;*

See Sec. 6.2.2 (i) for traffic analysis.

and,

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the project design. **(Affirmative finding)**

and,

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

As noted previously, the project is subject to VT ANR and the US Army Corps of Engineers jurisdiction. City building and energy efficiency codes will also apply.

(b) Major Impact Review Standards

Not applicable.

(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 is not expected to produce offsite noise or glare substantial enough to require mitigation. **(Affirmative finding)**

2. *Time limits for construction.*

No construction timeline or phasing are included in the project plans. The standard 2-year timeframe for zoning permits will apply. **(Affirmative finding)**

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

The marina will function seasonally between May 15 and October 15. The marina and fuel dock will be open for business from 7am-6pm Sun-Thurs and 7am-8pm Friday, Saturday, Holidays and the day preceding a holiday. The public restrooms will be open and available to the public from 8am-5pm Sun-Thurs and 8am-7pm Friday and Saturday. The outer perimeter wave attenuating dock will be open to the public from 7am to 10pm.

Construction hours are not noted in the application. Typical construction hours are Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request. No work on Sunday. **(Affirmative finding as conditioned)**

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

See the recommended conditions.

Section 3.2.10 Performance Bond or Financial Surety (previously under Sec. 10.1.10)

As new public improvements are included in this proposal – new public park space – this criterion applies. The DRB may require from the property owner, for the benefit of the city, a performance bond or other financial surety to assure completion of the proposed public improvements.

(Affirmative finding as conditioned)

Article 4: Maps & Districts

Sec. 4.4.1, Downtown Mixed Use Districts:

(a) Purpose

(4) Downtown Waterfront – Public Trust District (DW-PT)

The subject property is located in the Downtown Waterfront – Public Trust (DW-PT) District. This district is intended to enhance and diversify commercial and residential development in the downtown waterfront area, and to increase access, utilization, and enjoyment of the lakeshore by the community. Strong emphasis is placed on enhancing public access to the lakeshore.

The proposed marina is consistent with this intent. It will be open to the public, including access onto the floating facilities. It will also add a sizable water-dependent business to Burlington’s downtown waterfront. **(Affirmative finding)**

(b) Dimensional Standards & Density

A FAR of 2 is allowed in the DW-PT zone. No new onshore buildings are included in this proposal. Existing FAR will remain unchanged.

There is no lot coverage limit in the DW-PT zone.

No minimum setbacks apply to the project as proposed.

No new onshore buildings are proposed. Existing building height remains unchanged.
(Affirmative finding)

(c) Permitted & Conditional Uses

See (d) 2 below.

(d) District Specific Regulations

1. Use Restrictions

A. Ground Floor Residential Uses Restricted

(Not applicable)

2. Public Trust Restrictions

The subject property is located within that area of the DW-PT north of Main Street. The proposed marina – open to the public on a non-discriminatory basis – is a permitted use. **(Affirmative finding)**

3. Facades and Setbacks on Side and Rear Property Lines

(Not applicable)

4. Building Height Setbacks

A. Principal View Corridors

(Not applicable)

B. Church Street Buildings

(Not applicable)

C. Side Street Building Height

(Not applicable)

5. Lake Champlain Waterfront Setbacks

No new onshore buildings are included in this proposal. Proposed site work continues to allow public access to the lakeshore. **(Affirmative finding)**

6. Residential District Setback

(Not applicable)

7. Development Bonuses/Additional Allowances

None are sought.

Sec. 4.5.4, Natural Resource Protection Overlay District:

Minimal encroachment into the SFHA is proposed. It amounts to the gangway connecting the upland marina facilities with the floating marina facilities.

(a) District Specific Regulations: Special Flood Hazard Area

(7) Special Review Criteria

A. The danger to life and property...

The proposed marina will have no impact on flood heights or velocities. **(Affirmative finding)**

B. The danger that material may be swept onto other lands...

The gangway and related floating marina facilities will be anchored in place. The proposed UST must be strapped down to prevent buoyancy in the event of a flood. Flood velocities are typically not problematic along the lakeshore. Flood waters rise and then fall. Velocity is a danger within the floodway that follows the river corridor. There is little danger that the marina facilities will be swept away. **(Affirmative finding as conditioned)**

C. The proposed water supply and sanitation systems...

Municipal water and sewer will serve the marina. Utility plans and specifications sheets depict the details. They have been reviewed by the Department of Public Works. Comments from DPW recommend that a waterproof cover be provided for the pump station to prevent floodwater infiltration. There is no onsite septic system. **(Affirmative finding as conditioned)**

D. The susceptibility of the proposed facility and its contents to flood damage...

The gangway and related floating facilities will rise and fall with lake levels. They are very unlikely to ever be inundated. **(Affirmative finding)**

E. The importance of the services provided...

The proposed marina will serve as a significant public amenity affording improved access to the lakeshore. An existing lakeshore parking lot will be transformed to additional public parkland and marina space. **(Affirmative finding)**

F. The availability of alternative locations...

The gangway connects the upland marina facilities with the related floating facilities. It is a functionally dependent use necessarily located within the SFHA. **(Affirmative finding)**

G. The compatibility of the proposed use with existing development...

As noted elsewhere in these findings, the marina is consistent with the intent of the DW-PT zone. **(Affirmative finding)**

H. The relationship of the proposed use to the Municipal Development Plan...

PlanBTV: Downtown and Waterfront specifically calls for additional marina operations to better serve the intense demand for water uses along Burlington's downtown water front. The plan notes the present conditions as inadequate and cites the exiting 8-year wait list for a boat slip (Water Use Expansion)

The proposed marina is accessible by boat, vehicle, bus, bike, and foot. It is consistent with PlanBTV: Downtown and Waterfront's call for transportation options and connectivity (Yield to Pedestrians, Biking, Bikeways, and Transit).

The pervious pavers to be used in construction of the marina facilities are consistent with the provisions of PlanBTV: Downtown and Waterfront (The Green Machine). **(Affirmative finding)**

I. The safety of access to the property...

Access to the property will be unaffected by the base flood event. All of the onshore marina facilities are located outside of the SFHA. The gangway and related floating facilities will rise and fall with the lake level. **(Affirmative finding)**

J. The expected heights, velocity, duration, rate of rise...

The maximum regulatory flood elevation along the lakeshore is 102' above sea level. The velocity of flood waters along the lakeshore is not problematic. Water is more or less stationary as it rises and falls. The duration of flooding and the rate of its rise depend entirely on spring snowmelt and precipitation events. The lake has risen above 102' just once on record (spring 2011). Sediment transport is insubstantial. Sediment transport is associated with moving waterways such as rivers. The proposed marina will have no impact on flood height, velocity, duration, rate of rise, or sediment transport. **(Affirmative finding)**

K. Conformance with all other applicable requirements...

See Articles 4, 5, and 6 of these findings.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Article 4 above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable in the DW-PT zone.

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. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

A comprehensive outdoor lighting plan has been submitted. Information relative to fixtures, locations, and illumination levels has been provided. There are two distinct lighting environments: 1) the marina site and 2) the parking lot. All of proposed fixtures and related lighting levels are acceptable under the standards of Sec. 5.5.2. The pole lights to be used in the newly converted park area appear to match those at Waterfront Park. The Department of Parks and Recreation has confirmed. The single new flag pole will be illuminated from above. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

The project will actually result in less impervious surface as compared to existing conditions. An existing asphalt parking lot will be converted to park area with substantial lawn. Pervious pavers will be installed at the new marina yard. Stormwater management relies on infiltration and additional green space prior to discharge offsite. As noted previously, the Conservation Board

reviewed and recommended approval of this project. Final approval of the proposed stormwater management plan and erosion prevention and sediment control plan by the city's stormwater program has been obtained. **(Affirmative finding)**

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Sec. 6.1.2, Review Standards

No land subdivision is proposed. Two of the three lots, however, will be adjusted in size and configuration.

(a) Protection of important natural features

See Sec. 6.2.2.

(b) Block size and arrangement

Block size and arrangement will remain unchanged. **(Affirmative finding)**

(c) Arrangement of Lots

The proposed lot line adjustment serves to place the bulk of the marina facilities on Parcel C with the existing municipal buildings on Parcel B. The proposed lot arrangement is orderly and follows the existing and proposed conditions on the ground. **(Affirmative finding)**

(d) Connectivity of streets within the city street grid

Not applicable.

(e) Connectivity of sidewalks, trails, and natural systems

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The property does not contain any important natural features as identified in the Open Space Protection Plan or as outlined in Sec. 4.5.4, *Natural Resource Protection Overlay Districts*. The downtown waterfront is specifically excluded from the Riparian & Littoral Conservation zone. **(Affirmative finding)**

(b) Topographical alterations

The existing property is essentially flat and will remain so. Topographic alteration is modest and is largely related to stormwater improvements and construction of the new parking area.

(Affirmative finding)

(c) Protection of important public views

There are significant public views from the subject property, particularly westward across the lake. These views will be preserved. The proposed construction will not adversely impact any identified public view corridor. **(Affirmative finding)**

(d) Protection of important cultural resources

The property is a lakeshore fill site of industrial origin. It has no known archaeological significance. It contains no archaeological site points, nor is it located within an archaeologically sensitive area. **(Affirmative finding)**

(e) Supporting the use of alternative energy

No alternative energies are incorporated into the project design. Construction of the project will have no adverse impact on potential use of alternative energies onsite. **(Affirmative finding)**

(f) Brownfield sites

The subject property is included on the Vermont DEC Hazardous Site List. Phase I and II environmental site assessments have been done, and a corrective action plan is in place. The applicant will continue to work with VT DEC to address onsite contaminants. **(Affirmative finding)**

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management.

There is sufficient room for snow storage around the new parking lot. Within the marina yard and drop-off plaza, there is no dedicated space for snow storage. Given the seasonal operation of the marina, winter time snow storage within these places may be acceptable. **(Affirmative finding)**

(h) Building location and orientation

No new onshore buildings are included in this proposal. **(Not applicable)**

(i) Vehicular access

Two access points will serve the marina. Both exist presently but will be modified as part of this project. Most boats will arrive at the marina by way of the lake. No new ramp or crane are included in this proposal.

A comprehensive traffic analysis has been done as part of this application; however, anticipated traffic generation (up to 20 weekday PM peak hour trips) is well short of the typical 75-trip threshold for a traffic study. Anticipated traffic is also significantly less than that associated with the unbuilt Moran redevelopment (77 PM peak hour trip ends). Traffic associated with the marina will parallel the seasonal use of the marina – most active during the warmer months with very little activity during the off-season colder months. As to be expected, Saturdays are anticipated to generate the most traffic with 309 total trip ends and 26 PM peak hour trip ends. Daily weekday trip ends are expected to total 284 with 20 PM peak hour trip ends. Level of service (LOS) and queue lengths were analyzed at three intersections (Battery & College Streets, College & Main Streets, and Lake Street & Penny Lane) with projections for 2018 and 2023 with build and no-build scenarios. In all scenarios, the anticipated traffic is expected to have little effect on intersection LOS during the PM peak hour (1 second or less increase in delay) and negligible effect on intersection queue lengths. All intersections are expected to continue at acceptable levels of service. No roadway network alterations are proposed. The Department of Public Works has reviewed the traffic study and concurs with its findings. **(Affirmative finding)**

(j) Pedestrian access

A new sidewalk/walkway will provide a pedestrian connection between the newly reconstructed bike path and the marina. It will also afford a connection to the marina for people parking in the

new surface parking lot behind the Electric Dept. building. Given the significance of public accessibility to the marina, this pedestrian connection is particularly important. Where the sidewalk crosses the two entries to the new parking area, it is delineated with striping. It should be continuous concrete. West of the new parking area, the sidewalk becomes a striped walkway across the asphalt, sharing space with vehicles. Continuation of concrete had previously been recommended; however, the Department of Public Works recommends the striped asphalt instead. Doing so avoids disturbance of critical underground piping connecting the two Water Department buildings. **(Affirmative finding)**

(k) Accessibility for the handicapped

Four handicap parking spaces are included in the marina drop-off area that will be available to the public, affording immediate access to the marina and the newly formed park space. Additional handicap spaces are included in the new 68-space parking lot. Insofar as these, or any other handicap accessible features, are required it is the applicant's responsibility to comply. All of the applicable ADA requirements are administered through the city's building code. **(Affirmative finding as conditioned)**

(l) Parking and circulation

Space for new parking is limited. The marina is, of course, set close to the lake and relatively far from the road. As a result, space for parking is available between the existing Water Department and Electric Department buildings and the road. The existing parking area will be removed and replaced with the new, larger parking area. As recommended by this criterion, the parking area is split into two sections rather than a singular mass. The location of the new parking lot is the same as that for the approved, but unbuilt, parking associated with the Moran redevelopment.

Parking spaces and associated site circulation are laid out such that vehicles will not back out onto Penny Lane. The parking area appears to be curbed at one end (east).

A number of new trees will be planted around the parking lot. In total, 18 new trees will border the parking area. This criterion requires 1 shade tree per every 5 parking spaces (at least 14 trees in this case). The proposed species (maple, elm, and honeylocust) are appropriate to serve as shade trees and meet the minimum caliper requirement at planting (3" – 3.5" caliper). A shade analysis was provided at the March 21, 2017 public hearing and depicted adequate shading. **(Affirmative finding)**

(m) Landscaping and fences

A comprehensive landscaping plan has been submitted and encompasses a diversity of plantings. As noted above, new shade trees will be planted around the new parking area. Most of the additional landscaping is concentrated in the new park space adjacent to the Water Department Pump Station. New plantings help to define the space and provide a buffer from the marina drop-off to the south. Some additional plantings will accent said drop-off area. **(Affirmative finding)**

(n) Public plazas and open space

Significant public open space is included in this proposal. The parking lot behind the two existing city buildings will be removed and replaced on one end with new public park space. In addition to new landscaping as noted above, the new park space will include pathways, sitting areas, and access to the lakeshore. Its location will afford ample solar access and unimpeded views across the lake. **(Affirmative finding)**

(o) *Outdoor lighting*

See Sec. 5.5.2.

(p) *Integrate infrastructure into the design*

Site infrastructure including an electrical transformer, emergency generator, trash and recycling facilities will be set to the southwest corner of the marina site. The site plans depict screening around these items. Sheet C4.2 provides acceptable screening details. Any new utility lines must be buried. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

No new onshore buildings are included in this proposal. Two containers for workshop space and long term bike parking are proposed. Renderings of these containers were provided at the March 21, 2017 public hearing. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The proposed marina is located in the Downtown Parking District. As a result, the minimum parking requirement is 0.5 parking space per berth. In this case, 160 berths are proposed with a resultant minimum parking requirement of 80 parking spaces. A new 68-space parking lot is proposed. The marina proposes to use 42 of these 68 spaces along with an additional 4 new spaces in the separate lot between the Coast Guard and the Water Department building and 2 new handicap spaces at the marina drop-off (48 spaces total for the marina). The Community Sailing Center had considered using the remaining 26 spaces in the 68-space parking lot; however, they are expected to pull out of this arrangement and seek alternative parking under separate permit. There remain 10 short term spaces at the marina drop-off for users of the marina, fishing pier, and adjacent park land. A parking waiver is sought for the marina. See Sec. 8.1.15 for waiver details. **(Affirmative finding)**

Sec. 8.1.9, Maximum Parking Spaces

This section limits surface parking to 125% of the Neighborhood Parking District minimum parking requirement. As noted above, the minimum standard parking requirement will not be met. A parking waiver is requested. The proposed parking is nowhere near the maximum limitation. **(Affirmative finding)**

Sec. 8.1.10, Off-Street Loading Requirements

Loading and un-loading area will be available in the marina yard. **(Affirmative finding)**

Sec. 8.1.11, Parking Dimensional Requirements

Proposed parking spaces are dimensionally compliant at 9' X 20.' Back-up space is 20,' whereas 24' is the standard. While less than the standard distance, 20' affords the minimum required 10' dual aisle space within the parking lot. **(Affirmative finding)**

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) *Offsite parking facilities*

(Not applicable)

(b) *Downtown street level setback*

The proposed parking lot is set back from Penny Lane to afford space for a new pedestrian sidewalk that will provide access to the marina and adjacent waterfront amenities.

(Affirmative finding)

(c) *Front yard parking restricted*

(Not applicable)

(d) *Shared parking in the Neighborhood Parking Districts*

(Not applicable)

(e) *Single story structures in Shared Use Districts*

(Not applicable)

(f) *Joint use of facilities*

The new 68-space parking lot will serve both marina patrons and the general public. The existing parking lot between the Coast Guard and the Water Department building will be modified to result in a net new 4 spaces. This lot will serve both city employees and employees of the marina. **(Affirmative finding)**

(g) *Availability of facilities*

None of the proposed parking will be used for the storage or display of vehicles or materials by offsite users. Parking will be for visitors to onsite uses only. **(Affirmative finding)**

(h) *Compact car parking*

(Not applicable)

Sec. 8.1.13, Parking for Disabled Persons

The site plan depicts several handicap parking spaces in the new 68-space parking lot and in close proximity to the marina and the newly established Waterfront Park North. Associated striping is also shown. ADA compliance is administered via the city's building permit process.

(Affirmative finding as conditioned)

Sec. 8.1.14, Stacked and Tandem Parking Restrictions

(Not applicable)

Sec. 8.1.15, Waivers from Parking Requirements / Parking Management Plans

The parking waiver request for the marina has been modified. As noted above, the Community Sailing Center will pursue separate parking arrangements. During peak times (weekends and holidays) the marina requests a 32-space parking waiver. Rather than use 80 parking spaces, 48 spaces (42 within the 68-space lot) are requested (40% waiver). During weekdays, the marina requests a 51-space parking waiver. Only 29 spaces would be used (64% waiver). The waiver request is simple and reasonable. Of the 160 boat slips proposed, only 96 will be seasonal. Seasonal users will keep their boats here and will typically arrive onsite by land. The other 64 slips will be transient. Transient users will arrive by boat and will not need car parking. The 48 parking spaces proposed amount to 0.5 space per seasonal boat slip – the minimum parking standard. The waiver increases during off-peak times due to reduction in use of the marina as

demonstrated in the traffic study. The 29 spaces effectively result in 0.3 spaces per seasonal boat slip. Under both scenarios (peak and off-peak times), remaining parking spaces within the 68-space lot will be available for public use.

The applicants should be prepared to report back to the Planning & Zoning Department each year for 3 years as to the actual onsite parking demand. (**Affirmative finding**)

Sec. 8.2.5, Bicycle Parking Requirements

The proposed marina will require at least 10 short term bike parking spaces and 1 long term bike parking space. The site plan indicates locations for these facilities, and additional details were provided at the March 21, 2017 public hearing. The short term spaces will be provided with racks at the southeast corner of the new park space, and the long term spaces will be provided at the southwest corner of the site within one of the containers. (**Affirmative finding**)

Article 10: Subdivision

Sec. 10.1.15, Lot Line Adjustments

No subdivision is included in this proposal. Lot lines; however, will be adjusted. Two of the three parcels involved will be modified. As required, a boundary survey by a VT licensed land surveyor has been provided, albeit in draft form. The endorsement block needs to be corrected to indicate the signature of the Zoning Administrator per this criterion. No nonconforming parcels result from the proposed lot line adjustments. There is no minimum lot size requirement in the DW-PT zone. A mylar of the lot line adjustment, signed by the Zoning Administrator, shall be filed within the city's land records within 180 days of approval. (**Affirmative finding as conditioned**)

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised project plans depicting the following shall be submitted, subject to staff review and approval:
 - a. Specification of waterproof cover for the proposed pump station;
 - b. Specification for strapping to hold the underground storage tank in place during times of flooding; and,
 - c. Corrected endorsement block (for Zoning Administrator's signature) on the lot line adjustment.
2. **Within 180 days of this approval**, a mylar copy of the lot line adjustment, with signature of the Zoning Administrator, shall be filed in the land records. Failure to do so shall render this subdivision approval null and void.
3. Per the requirements of Sec. 3.2.10, *Performance Bond of Financial Surety*, a performance guarantee for all new public improvements shall be provided, subject to review and approval by the City Attorney.
4. For the parking waiver, the applicants shall to report back to the Planning & Zoning Department each year for 3 years from the date of this approval as to the actual onsite parking demand.
5. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the gross square footage of the proposed development.
6. Days and hours of operation are approved as follows (from May 15 – October 15):
The marina and fuel dock will be open for business from 7am-6pm Sun-Thurs and 7am-8pm Friday, Saturday, Holidays and the day preceding a holiday. The public restrooms will be

open and available to the public from 8am-5pm Sun-Thurs and 8am-7pm Friday and Saturday. The outer perimeter wave attenuating dock will be open to the public from 7am to 10pm.

7. Days and hours of construction are limited to Monday – Friday 7:00 AM – 5:00 PM. Saturday construction within those hours may be allowed upon request to the DRB. No construction activity on Sunday.
8. Per Sec. 4.5.4, (f) 8, construction within the Special Flood Hazard Area is subject to the following conditions:
 - C. All development:
 - (i) New construction and/or substantial improvements to structures shall be reasonably safe from flooding and be:
 1. Designed and adequately anchored to prevent flotation, collapse, or lateral movement during the occurrence of the base flood;
 2. Constructed of materials resistant to flood damage;
 3. Constructed by methods and practices that minimize flood damage; and
 4. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (ii) All development shall be designed to minimize flood damage to the proposed development and to public facilities and utilities;
 - (iii) All development shall be designed to provide adequate surface drainage to reduce exposure to flood hazards;
 - (iv) All new construction and substantial improvements that have fully enclosed areas below the lowest floor shall:
 1. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
 2. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings of two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
 - (v) All necessary permits shall be obtained from those governmental agencies from which approval is required by federal or state law.
 - D. Residential Development:
 - (i) Not applicable.
 - E. Non-Residential Development:
 - (i) All new construction and substantial improvements for nonresidential purposes shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation. Existing non-residential structures may be flood proofed where designed to be watertight to one foot or more above the base flood elevation, with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and

hydrodynamic loads and effects of buoyancy. A permit for a proposed building to be flood proofed shall not be issued until a registered architect or engineer has reviewed the structural design, specifications and plans and has certified that the design and methods of construction are in accordance with meeting the provisions of this subsection.

F. Water Supply Systems:

New and replacement water supply and sanitary sewer systems shall be designed so as to prevent the infiltration of floodwaters into the systems and discharge from the systems;

G. On-Site Waste Disposal Systems:

Not applicable;

H. Recreational Vehicles:

(i) Not applicable.

9. A State of Vermont wastewater permit is required.
10. All new utility lines shall be buried.
11. It is the applicant's responsibility to comply with all applicable ADA requirements.
12. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
13. Any outdoor signage will require a separate sign permit.
14. Standard Conditions 1-15.