

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: February 20, 2018
RE: ZP18-0646CA/CU, 703 Pine Street

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: ZP18-0646CA/CU

Address: 703 Pine Street

Zone: ELM **Ward:** 5S

Parking District: Shared Use

Date application accepted: January 24, 2018

Applicant/ Owner: Queen City Brewery, LLC / Silverstone Realty, LLC

Request: Expand Queen City Brewery storage space into previously occupied 4,384 sf storage/retail space and change the use of 2,016 sf of the previously occupied storage/retail space into a café.

Background:

- **Zoning Permit 92-314;** 4032 sf single story stockroom addition to rear of existing auto parts store, with improved circulation and landscaping along street frontage. Approved April 1992.
- **Zoning Permit 93-325;** installation of wooden, non-illuminated parallel sign on north elevation of existing auto parts distribution facility. Approved January 1993.
- **Zoning Permit 97-063;** installation of an 18" projecting, non-illuminated awning with 13.5 sf of lettering, over the main entry to the cleaning supply store. Approved August 1996.
- **Zoning Permit 03-033;** construct 884 sf link between existing warehouses – to be 19' in height. Approved July 2002.
- **Non-Applicability of Zoning Permit 08-205NA;** remove interior wall. Approved September 2007.
- **Zoning Permit 13-1319CA;** change use from warehouse to micro brewery, add new entry ramp. Approved June 2013.
- **Zoning Permit 14-0364CA;** new concrete pad and chain link fence enclosure on side of building for mechanical units. Approved September 2013.

- **Zoning Permit 15-0086SN**; install two parallel signs for Queen City Brewery – one on front corner and one at rear. Approved July 2014.
- **Zoning Permit 15-0431SN**; install new parallel sign on front of building – 15.625sf. Approved September 2014.
- **Zoning Permit 18-0191CA**; façade changes to eastern-most building along Pine St.; upgrade handicap accessible ramp and provide handicap parking. Approved August 2017.

Overview: The applicant proposes to expand the existing Queen City Brewery space into warehouse/retail space previously occupied by Swish cleaning store, and to also add a new café within the previous Swish space. The expanded brewery space will be used primarily for storage; however, the applicant also proposes leaving an area open for future gaming uses for customers (i.e. billiards). The new café will not be under Queen City Brewery’s ownership, and as a result, it is not considered accessory to the brewery use. *Cafés* within the ELM zoning district are conditional uses. *Food and Beverage Processing* uses are permitted in the ELM zone.

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

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Sec. 3.5.2 Applicability

(a) Conditional Use Review:

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

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

‘Café’ is a Conditional Use in the ELM zoning district, per *Appendix A, Use Table*. ‘Food & Beverage Processing’ is a permitted use. **Affirmative finding.**

Sec. 3.5.6 Review Criteria

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

(a) Conditional Use Review Standards:

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

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 café is consistent with other uses in the immediate vicinity. There are no identified unreasonable or objectionable demands on utilities, facilities or services.

Affirmative finding.

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The Light Manufacturing zoning district is the primary commercial/industrial center of Burlington, and is intended primarily to accommodate enterprises engaged in the manufacturing, processing, distribution, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment without potential conflicts from interspersed residential uses. Other accessory commercial uses are allowed to support a wide range of services and employment opportunities. The proposed café, although separate, compliments the adjacent brewery use.

Overall, the proposal is consistent with the definition of the ELM zone.

From the Municipal Development Plan:

- o *Strengthen the Pine Street corridor for commercial-industrial development while minimizing adverse impacts on adjacent residential neighborhoods. [Land Use Plan, Page I-3.]*
 - o *Support sustainable development activities in target areas of the city including the Enterprise Community, Neighborhood Activity Centers, the Pine Street Corridor, Downtown, and the Downtown Waterfront. [Economic Development Plan, Page VI-2.]* **Affirmative finding.**
3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The new café will locate entirely within the existing structure, and the applicant has stated that there will be no mechanical units (fans, vents, hvac, etc.) added to the building's exterior. Only internal renovations will occur. No nuisance impacts are anticipated.

Affirmative finding.

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

The project site is accessible from Pine Street, which is lined with sidewalks on both sides. Public transit is immediately available. Access will remain as existing. **Affirmative finding.**

5. *The utilization of renewable energy resources;*

No part of the application precludes the utilization of wind, water, solar, geothermal or other forms of renewable energy resources. **Affirmative finding.**

and,

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

It is the applicant's responsibility to secure any required additional state or city permits.

Affirmative finding as conditioned.

(C) Conditions of Approval:

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.*

The proposed café will not alter the character of the property so as to make it inconsistent with the surrounding Light Manufacturing area. No exterior changes are proposed that would require implementation of mitigating measures. **Affirmative finding.**

2. *Time limits for construction.*

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

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

Construction activities shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. There shall be no construction activity on Sundays. The applicant indicates that the café will operate between the hours of 11:30 am to 10:00 pm. **Affirmative finding as conditioned.**

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

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

and,

5. *Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

This remains at the discretion of the Board.

Article 4: Zoning Maps and Districts

Section 4.4.3 Enterprise Districts

(a) Purpose

1. *The Light Manufacturing (E-LM) district is the primary commercial/industrial center of Burlington, and is intended primarily to accommodate enterprises*

engaged in the manufacturing, processing, distribution, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment without potential conflicts from interspersed residential uses. Other accessory commercial uses are allowed to support a wide range of services and employment opportunities. This district is intended to ensure that sufficient land area is appropriately designated within the city to provide an adequate and diversified economic base that will facilitate high-density job creation and retention. This district is primarily intended to provide for industrial uses suitable for location in areas of proximity to residential development. Development is intended to respect interspersed historic industrial buildings, and reflect the industrial aesthetic of the district's past. Parking is intended to be hidden within, behind, or to the side of structures.

The proposed brewery storage expansion within the existing structure will contribute to the existing brewery use. When the brewery was approved in 2013, it included retail sales and a tasting room. Those components will remain. Café's are conditional uses within the underlying zone. While the café will be under different ownership, it will be akin to that of an accessory use of the brewery. The uses fit within the purpose statement of the ELM zoning district, particularly as providing services and employment opportunities within walking or biking distance of residential neighborhoods. **Affirmative finding.**

(b) Dimensional Standards and Density

Table 4.4.3 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage ¹	Minimum Building Setbacks ¹ (feet)			Max. Height ¹ (feet)
			Front	Side	Rear ³	
Light Manufacturing	2.0 FAR	80%	5 min	0 ²	10% ²	45'

1 – Floor area ratio is further described in Art 5. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.

2 – Structures shall be setback a minimum of 25-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by enterprise and residential zones are exempt from this district boundary setback.

3 – Percentage of the lot depth.

The proposal will not impact the dimensional standards or density calculation for the site. The building will retain the same massing, height, scale and coverage as existing. **Affirmative finding.**

(c) Permitted and Conditional Uses

A 'Café' is a conditional use in the ELM zoning district, while 'Food & Beverage Processing' is permitted. **Affirmative finding.**

(d) District Specific Regulations

1. Convenience Stores

Not applicable.

Article 5: General Citywide Regulations

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

The property has existing access and frontage on Pine Street. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.3-1, above.

Section 5.2.4 Buildable Area Calculation

The parcel is not within RCO, WRM, RM, WRL or RL zoning districts. Not applicable.

Section 5.2.5 Setbacks.

See Table 4.4.3-1, above.

Section 5.2.6 Building Height Limits

See Table 4.4.3-1, above.

Section 5.2.7 Density and Intensive of Development Calculations

See Table 4.4.3-1, above.

Section 5.5.1 Nuisance Regulations

Nothing in this proposal appears to constitute a nuisance. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

Not applicable. The proposal includes no new outdoor lighting.

Section 5.5.3 Stormwater and Erosion Control

Not applicable. The proposal does not include any ground disturbance.

Article 8: Parking

The property is within the Shared Use Parking District and currently has a 20-space parking lot (which includes 1 van accessible handicap space). Parking requirements are listed in the table below.

Table 8.1.8-1 Minimum Off-Street Parking Requirements

Use		Sq. Ft.	Required	Existing
Warehouse @ 0.35/1,000 sf	Existing warehouse not part of this application	5,900	2	

Food & Beverage Processing @ 1/1,000 sf, plus 2 per 1,000 gfa devoted to patron use		9,176 total (970 sf for patron use)	11 (9 for the overall brewery & 2 for the patron area)	
Café		2,000	None	
Total Parking Required			13	20

The existing parking lot more than satisfies the minimum onsite parking requirement of 13 spaces. **Affirmative finding.**

Section 8.2.5 Bicycle Parking Requirements

Table 8.2.5-1 Bicycle Parking Requirements

Use	Long Term	Short Term	Required	Existing
Production, warehousing	1/20,000 sf	1/50,000 sf	(1 long term/1 short term)	(0 long term/12 short term)
Retail sales & service (café)	1 per 10 employees	6% of occupancy load (the applicant expects an occupancy load of 90)	(1 long term/5 short term)	(0 long term/0 short term)
Total Bicycle Parking Required			2 long term & 6 short term	0 long term/12 short term

The applicant states that there is a bicycle rack onsite that can accommodate 12 bikes. Long term spaces will be accommodated within the internal storage areas, with access for employees of both businesses. The café anticipates between 4 and 8 employees, and an expectant occupancy load of 90, which results in the need for 1 long term and 5 short term bicycle spaces for the cafe. The other parking ratios in the table above speak for themselves. The applicant will need to update the plans to show both long term and short term bicycle parking. **Affirmative finding as conditioned.**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised plans showing the minimum required bicycle parking spaces (2 long term and 6 short term) shall be submitted to staff for review and approval.
2. Construction activities shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. Construction on Sundays is prohibited.
3. All development is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
4. Any new or revised signage will require a separate sign permit.

5. The applicant is responsible for securing all required building, state and/or federal permits for the project.
6. Any future alterations or expansion of the uses will require permit review per the regulations in effect at that time.
7. Standard Permit Conditions 1-15.