

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** March 8, 2017  
**RE:** 17-0731SP; 221-223 St. Paul Street

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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: DT      Ward: 5S

Owner/Applicant: Dennis Ailor / G4 Design Studios

**Request:** Sketch plan review for demolition of existing duplex and construction of two detached buildings: One with 4 apartments and 1 commercial space, and the other with 4 apartments and 1 commercial space.

### **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)

### **Background Information:**

The applicant is requesting sketch plan review of a 2-phase project to construct 2 new mixed-use buildings with related parking and site improvements. Each building would contain 4 residential apartments and 1 residential space. The first phase would involve constructing 1 of the mixed use buildings at the rear of the lot. The existing duplex at the front of the property would be demolished and replaced with new construction as part of phase 2. As the net new dwelling unit count exceeds 5, both "major impact" and inclusionary zoning requirements apply. Prior to permit application, the applicant must present the project to the local NPA.

**Recommendation:** Not applicable for sketch plan review

## **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 increase demands on municipal utilities, facilities, and services. However, increases are expected to be comparatively modest. The property is located in the Downtown Transition zone wherein increased intensity of development is anticipated. Should the project eventually be approved, impact fees would be due.

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

As noted above, the property is located in the Downtown Transition (DT) zone, specifically the DT Maple South district. The Downtown Mixed Use zones are intended to form the primary urban center of the city with a diversity uses. Development is supposed to be intense with large tall buildings placed closely together. Dimensional standards within DT Maple South lower the intensity of allowable development as it transitions into the neighboring residential zones. Within all of the Downtown Mixed Use zones, buildings should be oriented towards the street and present a lively pedestrian interface. Commercial uses are recommended along the street level with residential uses above. Parking should be placed within or behind structures. The proposed development is consistent with this intent.

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 units will not generate nuisance impacts greater than those produced by other multi-family residential properties in the district. The commercial uses are not specified and must be at the time of 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;*

The net increase of 6 residential units and 2 small commercial spaces will increase traffic flows to and from the site. Traffic associated with the residential units is expected to be modest, and no undue adverse impacts are anticipated. No assessment of traffic relative to the commercial spaces can be made yet. Commercial uses must be specified before an assessment can be made. In any event, it is unlikely that traffic generation will surpass the 75-trip threshold requiring a comprehensive traffic analysis.

*and,*

5. *The utilization of renewable energy resources;*

No alternative energies are incorporated into the project design. Given the ample solar exposure of the proposed buildings, the applicant is encouraged to consider rooftop solar installation.

*and,*

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

Compliance with building, fire, and energy efficiency codes will be required. A state wastewater permit will also be required. Prior to demolition of the duplex, the applicant must contact the VT Dept. of Health regarding lead and asbestos assessment. The applicant is also advised to contact the District Environmental Commission as to Act 250.

(b) Major Impact Review Standards

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

No stormwater management details are included in the sketch plans. Redevelopment of this property will require implementation of a comprehensive stormwater management plan. Details will be required as part of a permit application.

Air and noise pollution are expected to be minimal. Details as to the commercial uses are needed in order to confirm.

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;*

Some of the 8 residential units may provide housing for school-age children. Additional impacts on city schools are expected to be minimal.

7. *Not place an unreasonable burden on the city's ability to provide municipal services;*

This project has not yet undergone review by the Technical Review Committee and should. While impacts on municipal services are expected to be modest, they should be addressed insofar as necessary.

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 proposed development would bring about intensified development to an underdeveloped property in the city's downtown transitional district. It is located in an area intended for intensified urban development and will have no adverse impact on the city's present or future growth patterns.

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

Details are lacking in the sketch plans. Preliminarily, the application demonstrates conformance with the Municipal Development Plan.

The project is located with a downtown mixed use zone where higher density development is encouraged (Sec. I, Land Use Policies and Sec. IX, Housing Plan Policies).

The proposed development is located in close proximity to the city's Downtown Improvement District, an identified growth area specifically targeted for additional housing and commercial space (Sec. I, Growth Areas).

The development will include ground-level commercial space (Sec. III, Streetscape Design).

*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;*

Details as to unit type are lacking in the sketch plans. Generally, 8 units of housing are proposed in 2 detached structures, resulting in a net gain of 6 units. A mix of unit sizes and price points is encouraged.

*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. Given the moderate scale of the proposed development, impacts are expected to be small.

(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 generate offsite noise or glare substantial enough to require mitigation. Details about the commercial uses are needed in order to confirm.

*2. Time limits for construction.*

The sketch plans outline two project phases. No special time limits are requested. As a result, the standard 2-year timeframe for zoning permits would apply. The permit application must delineate exactly what is included in phase 1 vs. phase 2, including site work.

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

No days or hours of operation for the commercial spaces are noted. Such detail will be required with the zoning permit application.

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**

### **Sec. 4.4.1, Downtown Mixed Use Districts:**

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

#### **(2) Downtown Transition District (DT)**

#### **(D) DT Maple South**

The subject property is located in the Downtown Transition (DT) District. As noted previously, the Downtown zones are intended to form the primary urban center of the city with a diversity of uses and intensive development. The proposed construction is consistent with this purpose.

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

A FAR of 2 is allowed in the DT Maple South zone. No FAR figure is evident in the sketch plans. This information will be required in the permit application.

There is no lot coverage limit in the DT zone. As proposed, lot coverage will be 78%.

No minimum side yard setbacks apply in the DT zone. This property abuts the Residential Medium Density zone to the west. Therefore, a 15' district setback applies. There is no minimum front yard setback, except that buildings must be 12' from the curb. The sketch plans reflect these setbacks.

The minimum building height in the DT Maple South zone is 30,' and the maximum is 35.' Both buildings are about 31' tall. Note that height of the front building is measured from the public sidewalk. Height for the rear building must be measured from the average finished grade on all sides. Such information will be required in the permit application.

#### **(c) Permitted & Conditional Uses**

The proposed multi-family residential use is permitted in the DT zone. The commercial uses are not specified and must be.

#### **(d) District Specific Regulations**

##### **1. Use Restrictions**

##### **A. Ground Floor Residential Uses Restricted**

Not applicable to the subject property.

##### **2. Public Trust Restrictions**

The subject property is not located within the Public Trust.

##### **3. Facades and Setbacks on Side and Rear Property Lines**

The new rear building is set just 3' from the southern property line, and the existing neighboring building to the south is seemingly within 5' of the property line. There are apparently no windows or doors in the neighboring building facing the new construction. Confirmation is needed. If there are no windows or doors in the neighboring building, the proposed 3' setback is acceptable.

The solid 10' tall brick "garden wall" runs past windows facing north within the adjacent building and conflicts with this criterion. The existing building contains windows facing the subject property and is within 5' of the property line. The proposed brick wall runs along the common property line. Revision is needed.

#### ***4. Building Height Setbacks***

##### ***A. Principal View Corridors***

The subject property is not located along a principal view corridor.

##### ***B. Church Street Buildings***

The subject property is not located along the Church Street Marketplace.

##### ***C. Side Street Building Height***

Not applicable to the subject property.

#### ***5. Lake Champlain Waterfront Setbacks***

The subject property is not located along the Lake Champlain waterfront.

#### ***6. Development Bonuses/Additional Allowances***

None are sought.

### **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 DT 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.

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

No outdoor lighting details are included in the sketch plans. The permit application must include details as to fixture types, locations, and illumination levels.

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

No stormwater management or erosion control details are included in the sketch plans. Redevelopment of this property will require implementation of a comprehensive stormwater management plan and a detailed erosion prevention and sediment control plan. Both will be subject to review and approval by the Conservation Board and the city's stormwater program.

**Article 6: Development Review Standards:**

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

No subdivision or lot line adjustments are sought.

***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 property has minimal peripheral green space. The proposed construction will have no impact on Burlington's diversity of important natural features.

*(b) Topographical alterations*

The property slopes gradually down and away from St. Paul Street. The sketch plans lack grading details. Existing and proposed grading information will be required in the permit application.

*(c) Protection of important public views*

There are no significant public views from or through the subject property. The proposed construction will not adversely impact any identified public view corridor.

*(d) Protection of important cultural resources*

The property has no known archaeological significance. It contains no archaeological site points, nor is it located within an archaeologically sensitive area.

*(e) Supporting the use of alternative energy*

See Sec. 6.3.2 (f).

*(f) Brownfield sites*

The property is not included in the Vermont DEC Hazardous Site List.

*(g) Provide for nature's events*

See Sec. 5.5.3 for stormwater management.

There is no obvious provision for snow storage onsite. Storage and/or removal of snow must be addressed in the permit application. Building entries do not appear to be sheltered in any way. Inclusion of canopies or other similar building features over the entries is recommended.

*(h) Building location and orientation*

The newly proposed front building is set close to the front property line, similar to the existing duplex and reinforces the streetscape along this stretch of St. Paul Street. The front entrance faces

St. Paul Street and provides access into the ground floor commercial unit. While it faces the street, this front entry could benefit from further embellishment.

The rear building is set back from the street by necessity. Per this criterion, it should still present its front entry towards the street. As proposed, there is no street-facing entry on this rear building. Revision is needed in order to reorient this building towards St. Paul Street with a clearly defined front entry.

*(i) Vehicular access*

A single point of access will serve the property as is presently the case. While sufficient for the existing duplex, a single lane (10'-wide) driveway may prove problematic in serving 8 apartments and 2 commercial spaces. See Sec. 6.2.2 (l) below for dimensional info.

*(j) Pedestrian access*

The front entrance of the front building opens onto the public sidewalk. A walkway on pavement is depicted to the south of this front building. It will afford pedestrian access into the site. Details are lacking in the sketch plans. Simply striping the pavement is insufficient. This criterion calls for physical separation of pedestrian and vehicular circulation. A new walkway extending from the back of the parking area will serve the rear building.

*(k) Accessibility for the handicapped*

No handicap parking spaces are evident in the sketch plans. Whether any are required is not clear. This item must be resolved prior to permit application. It is the applicant's responsibility to comply with all applicable ADA requirements.

*(l) Parking and circulation*

Parking is set to the side or behind the front building. Due to project layout, all of the parking is located in front of the rear building. There are myriad ways to lay out the proposed buildings and parking. Consideration should be given to relocating the rear building in order to place the parking behind, or beside, it. This criterion calls for street-level parking in a Downtown Mixed Use zone to be set back from the front property line in order to provide space for active pedestrian uses. The parking observes a small setback from the front property line; however, there is no provision for pedestrian activation. In fact, there is a solid 10' brick wall and metal entry gate precluding any access into this space at all. This interface with the street needs to be reconsidered and reworked.

The angled parking spaces (1-5) are dimensionally compliant at 9' X 20' with sufficient 24' backup distance. The parallel parking spaces (6-8) are undersized at 9' X 18.' Even compact cars require a 20' length for parallel arrangement. There appears to be sufficient room to extend these spaces to 20' – 22' length as required.

No curbing or curb stops are evident in the sketch plans and must be included in the project design upon permit application.

A single bike rack is located by the entry to the new rear building. See Article 8 for additional comments.

*(m) Landscaping and fences*

No landscaping plan is included in the sketch plans; however, some greenery is depicted in the perspective drawings. The permit application must include a comprehensive landscaping plan with details as to plant sizes, species, and locations.

A 10' tall solid brick "garden wall" encloses much of the property. This feature goes well beyond anything that could be considered a fence. It serves to isolate the property from its surroundings and is plainly discordant with the context of the neighborhood and use of the property.

*(n) Public plazas and open space*

No public plazas or open space are included in this proposal.

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

No ground-mounted mechanical equipment is apparent in the sketch plans. If any is proposed, it must be depicted and screened on the permit application plans. Interior space for trash receptacles is depicted in the new front building. No such feature is evident for the rear building. An outdoor dumpster is depicted for use in phase 1 (prior to construction of the front building). Screening details are lacking. Provision for mailboxes needs to be made.

**Part 3, Architectural Design Standards**

**Sec. 6.3.2, Review Standards**

*(a) Relate development to its environment*

*1. Massing, Height, and Scale*

The massing, height, and scale of the two proposed buildings are very similar. Both are rectangular boxes that share a similar materials palette, fenestration, and angularity. Their mass is well within the context of neighboring buildings, as is their height. While not especially large to begin with, both buildings incorporate a variety of cladding, recesses, projections, and other building features to define individual building sections.

*2. Roofs and Rooflines*

Both buildings are flat-roofed. This roof style complements the overall appearance of the new structures and is common in Burlington's Downtown Mixed Use zones.

*3. Building Openings*

Both buildings share a similar fenestration pattern. While there is varying detail, the fenestration exhibits a rectangularity consistent with the overall design theme of the two buildings.

*(b) Protection of important architectural resources*

The existing duplex is not on an historic register, nor is it eligible for listing. Its demolition and replacement with new construction will not adversely impact Burlington's historic resources.

*(c) Protection of important public views*

See 6.2.2 (c) above.

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

The front building presents its primary façade to the street. As noted above, its front entry provides direct access to the public sidewalk along St. Paul Street. Although the orientation is correct, the front entry could benefit from additional emphasis and shelter from the elements. The rest of the front façade successfully incorporates a variety of materials and varying building planes in its presentation to the street. Ground level storefront glazing provides visual access into the commercial space. Large undifferentiated building walls are avoided.

*(e) Quality of materials*

The materials palette consists primarily of metal panels, fiber cement board, glazing, and brick. Roofing is not indicated but is assumed to be membrane. Wooden railings are proposed. Corners appear to be metal sheathing, although the corners where fiber cement siding is used are not specified and must be. Overall, the proposed materials palette is acceptable for this new construction.

*(f) Reduce energy utilization*

No energy details are included in the sketch plans. The new building must comply with the current energy efficiency requirements of the city and state.

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

No advertising features are included in this project. There is a large “221” on the proposed entry gate. It is seemingly large enough to be considered a sign (i.e. > 2 sf), but the gate should be deleted in any event.

*(h) Integrate infrastructure into the building design*

As noted above, one of the buildings contains interior space for trash. Whether this space will serve both buildings is unclear. No roof mounted or other exterior mechanical equipment is noted on the sketch plans. Any such equipment, if proposed, must be depicted on the project plans and screened upon permit application.

*(i) Make spaces safe and secure*

Insufficient detail is provided in the sketch plans to address this criterion. Review by the Technical Review Committee is recommended.

## **Article 8: Parking**

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

The subject property is located in the downtown parking district. As a result, each one of the residential units requires 1 parking space. In this case, the 8 apartments require 8 parking spaces. No commercial use is specified; therefore, no minimum parking requirement can be assessed. As proposed, 8 spaces will be provided. Obviously, this leaves 0 onsite parking for the commercial spaces. There are some commercial uses that have no minimum parking requirement in the downtown parking district; however, detail as to the proposed commercial uses is needed in order to make this assessment.

### ***Sec. 8.1.9, Maximum Parking Spaces***

This section limits surface parking to 125% of the Neighborhood Parking District minimum parking requirement. As only 8 parking spaces are proposed – the minimum required for just the apartments – this limitation is not approached.

**Sec. 8.1.10, Off-Street Loading Requirements**

Not applicable in the downtown parking zone.

**Sec. 8.1.11, Parking Dimensional Requirements**

See Sec. 6.2.2 (l).

**Sec. 8.1.12, Limitations, Location, Use of Facilities**

(a) *Offsite parking facilities*

**(Not applicable)**

(b) *Downtown street level setback*

See Sec. 6.2.2 (l).

(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 proposed parking is the minimum required for the residential apartments. If the commercial uses require parking, presumably a shared parking arrangement would be proposed. Additional detail is needed at the time of permit application.

(g) *Availability of facilities*

Nothing in the sketch plans indicate that the proposed parking will be used for the storage or display of vehicles or materials by offsite users.

(h) *Compact car parking*

See Sec. 6.2.2 (l).

**Sec. 8.1.13, Parking for Disabled Persons**

No handicap parking spaces are indicated on the sketch plans. If required under the applicable ADA standards, the project plans must depict handicap parking at the time of permit application.

**Sec. 8.1.14, Stacked and Tandem Parking Restrictions**

**(Not applicable)**

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

No waiver is sought. Depending on the proposed commercial uses, a parking waiver may be needed if onsite parking is required for one or both of the commercial uses.

**Sec. 8.2.5, Bicycle Parking Requirements**

Very little bike parking detail is included in the sketch plans. An undefined bike rack is depicted next to the rear building. An exterior (but enclosed?) long term bike storage unit is depicted behind the existing duplex in phase 1 but is not evident in the phase 2 plans.

In any event, the 8 apartments will require at least 1 short term space and 2 long term spaces. Requirements for the commercial spaces cannot yet be determined.

## **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 Article 9. Per Table 9.1.8-1, *Inclusionary Zoning Percentages*, 15% of the total unit count typically must be inclusionary (15% of 8 is 1 dwelling unit) in the DT zone. No details for inclusionary housing are included in the sketch plans and must be incorporated into the permit application materials. The inclusionary unit must be made available early in the construction rather than at the end.

### ***Sec. 9.1.12, Additional Density and Other Development Allowances***

None are sought.

### ***Sec. 9.1.17, Review of Proposal for Phasing***

See Sec. 3.5.6 (c) 2.

## **II. Conditions of Approval**

Not applicable for sketch plan review.