

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
vacant, Department Secretary



TO: Development Review Board
FROM: Scott Gustin & Mary O'Neil, Principal Planners
DATE: January 30, 2017
RE: 17-0623CA/MA; 329-375 North Avenue

*Initial proposal supported
by staff, due to lack of*

Note: These are staff comments only; decisions on proposed development
Review Board, which may approve, deny, table or modify any project. THE APPLICANT
OR REPRESENTATIVE MUST ATTEND THE MEETING.

RECEIVED
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*immediate neighbors to
most of the site*

Zone: NAC-CR Ward: 4N

**DEPARTMENT OF
PLANNING & ZONING**

Owner/Applicant: BCCH, LLC & 375 North Ave, LLC / Eric Farrell

Request: Proposed development consisting of 11 buildings containing 735 residential units, approximately 45,000 sq. ft. of non-residential support/amenity space, approximately 40,000 sq. ft. of neighborhood commercial spaces and 1,093 parking spaces.

Applicable Regulations:

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), Article 10 (Subdivision), and Article 11 (Planned Unit Development)

Background Information:

Known as Cambrian Rise, the application proposes development with mixed commercial and residential uses, related buildings and infrastructure across approximately 21.65 acres (per plan BA1) at 329-375 North Avenue. The total unit count has fluctuated somewhat and is presently at 735 residential units, inclusive of the 65 units already permitted in the former orphanage building.

During the summer and fall of 2016, this project underwent several sketch plan reviews with the Conservation Board, Design Advisory Board, and Development Review Board. Conservation Board comments centered on stormwater management and commended the proposed management of stormwater management onsite, rather than utilization of the city system. The Design Advisory Board reviewed the sketch plans twice. Doing so allowed the DAB an opportunity to get an overview of the proposal; comments were limited to questions about the overall development, and a desire to cut back the hard edges of the buildings along North Avenue as they abutted smaller structures (to the south). The Board acknowledged the large scope of the project, and their limited time or opportunity to discuss any particular building or part of the plan in any depth. They requested additional work sessions during the formal review process. The Development Review Board also reviewed the sketch plans twice. DRB comments discouraged shared pedestrian/bike use of sidewalks, noted concerns about the consistently large massing of the proposed structures, particularly near the orphanage, suggested reduction in surface parking, and encouraged strengthening of the streetscape.

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

This proposal includes a variety of uses, amenities, and new public infrastructure that is based on the public outreach process centered development and conservation of the original ~33 acre property. The PUD process enables plasticity in design to create something other than a traditional residential subdivision with detached dwelling units on individual lots. Peripheral setbacks and project-wide lot coverage calculations enable significant flexibility within the project. **(Affirmative finding)**

- (b) *Facilitate the adequate and economical provision of streets and utilities;*
Multiple residences and businesses will be served by shared streets and utilities within the development. **(Affirmative finding)**

- (c) *Preserve the natural and scenic qualities of open space;*
The most significant open space of the original acreage is the 12-acres of conservation land recently sold to the city. Much of this land remains wooded and preserves views to and from the lake. Within the development, a large center green space will also afford easy access to open space and outdoor activities. **(Affirmative finding)**

- (d) *Provide for a variety of housing types;*
All of the housing will be in the form of multi-family attached units. Within that format, a variety of bedroom counts and price points (including inclusionary, “work force,” and market rate units) are included. There is also a mix of owner-occupied and rental units. Senior housing units will also be provided. **(Affirmative finding)**

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

- (f) *Achieve a high level of design qualities and amenities.*
With revisions as recommended by the Design Advisory Board, the project will comply with this criterion. **(Affirmative finding as conditioned)**

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

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

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised project plans addressing the following recommendations of the Design Advisory Board shall be submitted, subject to staff review and approval:
 - a. Any ground-mounted or roof-mounted mechanical equipment shall be screened from view from the public way;

- b. The handicapped accessible path leading to the waterfront bike path shall be constructed earlier than phase 10;
 - c. At Building C, the visible amount of retaining wall along the south side of the building shall be decreased through the use of earth berming and/or landscaping;
 - d. At Building C, the screening detail that is utilized at parking structures shall not be also utilized at commercial spaces;
 - e. At Building H, the entrance to the commercial space at the southwest corner of the building shall be made more prominent and welcoming by the addition of more glazing;
 - f. At building I, the main residential entrance facing west shall be made more prominent, and the exterior stair at the northwest corner of the building that leads to a secondary entrance shall be made less prominent;
 - g. At building I, no rooftop mechanical equipment shall be located on the roof of the gymnasium due to the visibility of this roof from neighboring buildings
 - h. At building M, the trash enclosure at the southeast corner of the building shall be made less dominant, such as by changing the material or color; and,
 - i. At building Q, the stair tower at the northwest corner of the building shall be treated with similar cladding and screening materials as the main building, to improve the terminus view from North Road.
2. **Prior to release of the zoning permit**, final approval of the post-construction stormwater management system and the erosion prevention and sediment control plan by the city's stormwater program staff is required.
 3. **Prior to release of the zoning permit**, revised plans or related documentation addressing the following shall be submitted, subject to staff review and approval.
 - a. Updated lot coverage within the ~15 acre development site;
 - b. Compliant front yard setbacks along North Avenue;
 - c. Definition of the as-yet undefined "focal element" on Plan L204;
 - d. Definition of the cemetery access plan and the written acceptance by the Department of Parks & Recreation;
 - e. Confirmation of driveway access grading into Building E;
 - f. Continuous concrete sidewalks across all driveways;
 - g. Compliant parking space and circulation aisle dimensions for all parking areas (surface and structured);
 - h. Final selection of street trees with the written approval of the City Arborist;
 - i. Revised outdoor lighting plan compliant with Sec. 5.5.2 and IESNA standards, as applicable. Confirmation of compliance by an independent lighting consultant at the cost of the applicant will be sought;
 - j. Buried electrical transformers where feasible;
 - k. Identified mailbox locations;
 - l. Identification of all screening materials;
 - m. Intercom systems for multi-family housing is recommended;
 - n. Provision of 22 parking spaces for the large daycare;
 - o. Identification of loading areas for all commercial uses;
 - p. Compliant inclusionary housing proposal, including 25% of the entire 735 unit count. Written approval of the inclusionary housing proposal by the manager of the city's Housing Trust Fund is required; and,
 - q. Written details addressing maintenance of common open space and project amenities.

4. **Prior to construction**, the historic preservation analysis of only buildings K and L shall be expanded to incorporate the entire project build out. **The expanded analysis shall be subject to review and approval by the Development Review Board prior to construction.**
5. **Prior to construction**, final plat approval of the subdivision of the property shall be sought and obtained.
6. The following comments and requirements of the Department of Public Works are incorporated into these conditions of approval. All improvements are at the expense of the applicant:
 - a. The existing crosswalk (and bus stop) near Champlain Farms should be removed, as the ultimate spacing of crosswalks and stops will be more uniform with the planned crossings and stops at the Project's southern drive.
 - b. New crosswalk should be placed proximate to the new Parks & Recreation redeveloped path near Covent Square with that project
 - c. At the northern project drive, a crosswalk should be considered if/when future activity warrants such a facility. Pedestrian counts shall be taken prior to issuance of a certificate of occupancy. If warrants for a crosswalk are met at this location, it shall be installed.
 - d. Per the project plan set, crosswalks shown at the project intersection of South Road/North Ave.
 - e. The Applicant will be required to replace the sidewalk more than 5 years old on the West side of North Ave between the southern property line (Building K) and the northern property line (north of North drive)
 - f. The signal at North Ave and South Road should be installed during phase one of the project and left in flash, until either trip/pedestrian warrants are met, at which time the signal should become active.
 - g. A No Parking flashing beacon should be installed at/near the intersection of North Ave and South Road, the cost of the beacon is the responsibility of the Applicant. Due to the unique nature of these beacons DPW will install the beacon and seek reimbursement for the materials and cost of installation.
 - h. DPW and Applicant to discuss narrowing of the painted median on the north side of the intersection of North Ave and South Road, DPW to review final plan before line work is implemented.
 - i. Bike lane shall have stop bars marked within the bike lanes, these could be offset from the travel lane stop bars if appropriate.
 - j. Bike lane markings across intersection at South Road shall be consistent with City typical markings in both size and configuration. This should include skip lines at the intersection and bike size chevron in the lane. Also diagonal line striping in the separated portion of the bike lane should be removed
 - k. DPW and Applicant to review bicycle left turns at North Ave and South Road. DPW would like to see a pull off ahead of the crosswalk to allow bicycles to utilize the pedestrian push button, an alternative we would consider is a bicycle box in the lane striping. DPW to review and approve final plan before work is implemented.
 - l. At the Northwest corner of North Ave and South Road the proposed bus stop area shows a significant amount of concrete/hardscape area. This area will need to be revisited/revised with DPW.
 - m. Applicant will seek to adjust property boundary lines in the future on North Ave to place the sidewalk along North Ave back in the ROW.

- n. A crosswalk needs be placed at the west side of the intersection of South Road and West Road. This will facilitate pedestrian movements given the planned commercial activity in the area, adjacent recreational facilities, and ability for DPW to maintain and clear snow at the intersection.
- o. Applicant to review location of stop bars relative to the crosswalks at the intersection of North Road and West Road. Crosswalks should be placed in front of stop bars.
- p. Signage and Striping:
 - i. Crosswalk warning signs MUST reflect YIELD to pedestrians, per VT State Law
 - ii. Share the lane signage should be independent of the pedestrian crossing signs
 - iii. The only on street striping should be for crosswalks, stop bars, and in the immediate vicinity of the proposed signal for center line delineation. No line striping should be placed for individual parking spaces, center line, or fog lines.
 - iv. No speed limit signs within the development
- q. Sidewalk configuration/alignment and connection to Lakeview Cemetery will need to be reviewed by DPW/Parks prior to construction if Applicant pursues acceptance of project streets by the City.
- r. Applicant to review bicycle/pedestrian connection from Building O and P to the bike path to the west to determine whether additional connection will be at back of building or at end of sidewalk.
- s. Applicant will be required to submit design drawings for retaining wall along North Road, stamped by a Professional Engineer registered in the State of Vermont.
- t. Applicant will be required to place monuments at all parcel boundaries.
- u. All public infrastructure intended to be part of the dedication must be within the proposed limits of the ROW.
- v. Any materials used in the ROW that exceed City Standards will be the responsibility of the Applicant, and the Applicant will be required to enter into a License Agreement with DPW, unless otherwise waived, for the care, maintenance, replacement, removal for the life that material unless otherwise replaced with a Standard material, at which time the Agreement can be dissolved.
- w. For the dedication process the Applicant must, at minimum, provide the following:
 - i. As-built drawings of all infrastructure in the ROW
 - ii. Certification from the engineer of record that infrastructure constructed was completed per plans and specification
 - iii. All documentation by the project resident engineer for all infrastructure in the ROW. This shall include but is not limited to: Notes, photographs, reports, quality control testing, change orders, submittals.
 - iv. The City shall be invited to participate at all construction meetings
 - v. The City shall have the right to have oversight during construction, review of resident engineer documentation, submittals.
- x. Review the sequence of work to connect South Road sidewalk/path to the proposed Parks Path, a connection to those facilities in advance of 2022.

- y. There is a discrepancy between the phasing of the project shown on P1.0 by CEA and sheet 2 of 2 by VHB with regard to when Building H, Q, and R will be constructed. Of concern is the varying stormwater treatments that occur during construction, treatment types shown varies.
7. All proposed sidewalk construction within the public street right-of-way is subject to review and approval of the Dept. of Public Works. *All other construction within the public street right-of-way is subject to an encumbrance permit issued by the City Council in conjunction with the Dept. of Public Works.*
 8. 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. Impact fees may be paid on a per-phase basis. Per the development agreement, a \$300K credit will apply to parks impact fees due.
 9. A 10-year construction period is included in this zoning permit. Any extension thereof shall require review and approval by the Development Review Board of a request submitted prior to expiration of the 10-year period. Project phasing shall be as depicted in Plan L-EX4.
 10. **Days and hours of construction are limited to Monday – Sunday 7:00 AM – 9:00 PM.**
 11. A State of Vermont wastewater permit is required.
 12. All new utility lines shall be buried.
 13. It is the applicant's responsibility to comply with all applicable ADA requirements.
 14. 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.
 15. Any outdoor signage will require a separate sign permit.
 16. Standard Conditions 1-15.