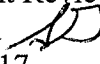


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TO: Development Review Board
FROM: Scott Gustin 
DATE: March 8, 2017
RE: 17-0744CA/CU; 109-111 Shelburne Street
17-0745CA; 97 Locust Street

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.

Zone: RL & RCO-RG Ward: 5S

Owner/Applicant: Champlain Housing Trust (109-111 Shelburne St) & City of Burlington (97 Locust St)

Request: Convert existing motel into 8 apartments with related building and parking 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), and Article 9 (Inclusionary and Replacement Housing)

Background Information:

The applicant is seeking approval for conversion of the existing Bel Aire motel into 8 apartments. Minimal site work related to parking configuration is proposed, as are some minor exterior building changes. The modified parking area would provide 3 shared parking spaces for the adjacent community gardens at 97 Locust Street. As the parking area straddles the property line, two permit applications have been filed. They are reviewed concurrently. The majority of the project is located in the RL zone (109-111 Shelburne St). The small amount of pavement work extending onto 97 Locust St is in the RCO-RG zone.

The application qualifies for the Residential Conversion Bonus of Article 4. As a result, conditional use review is required.

Previous zoning actions for this property are noted below.

- 3/14/97, Approval to install a 5' tall vinyl coated chain link fence

Recommendation: Certificate of appropriateness and conditional use approval as per, and subject to, the following findings and conditions.

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 existing motel is served by municipal water and sewer. The conversion to apartments is unlikely to have much effect on water and sewer demands. The change in use; however, may trigger the need for a state wastewater permit. A capacity letter from the Department of Public Works is required. **(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 within the residential low density (RL) zone. The RL zone is intended primarily for development in the form of single detached dwellings and duplexes. The existing motel is a nonconforming commercial use. Its conversion to residential apartments brings about greater consistency with the intent of the RL zone. The residential conversion bonus provides for greater residential density in order to incentivize residential conversion of preexisting nonconforming commercial uses. Such is the case on the subject property. **(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 residential use is not expected to generate nuisance impacts any more significant than those associated with other residential properties in the residential low density zone. **(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;*

No traffic analysis has been provided nor is required for a project of this size. Conversion of the motel to 8 residential apartments may affect trip generation numbers, and more likely, traffic patterns; however, impacts are expected to remain modest. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

No renewable energy resources are utilized in this conversion. Future utilization of such energy resources is not precluded by the 8 apartments. **(Affirmative finding)**

and,

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

Adherence to applicable building, fire, and energy codes will be required. As noted above, a state wastewater permit is also likely required. **(Affirmative finding as conditioned)**

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

2. *Time limits for construction.*

No special time limits for construction are proposed. For a project of this small scope, none are needed. **(Affirmative finding)**

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

Hours of operation do not apply to the proposed apartments.

No days or hours of construction are included in the application. For a project of this small size, the typical days and hours of construction of Monday – Friday, 7:00 AM – 6:00 PM should be more than adequate. **(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.*

To be addressed in conditions of approval.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The subject property is located in the RL zone. The RL zone is intended primarily for development in the form of single detached dwellings and duplexes. The existing motel is a nonconforming commercial use. Its conversion to residential apartments brings about greater consistency with the intent of the RL zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

The subject property is 0.49 acres in size. The standard density in RL is 7 units/acre. The residential conversion bonus in combination with the inclusionary housing bonus increases allowable density up to 16.75 units/acre. The proposed 8 apartments fall within this density limitation.

Lot coverage, setbacks, and building height remain unchanged within the RL portion of the property. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The proposed multi-family housing is allowed as a conditional use in the RL zone via the provisions for residential conversion. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No setback encroachment is sought under this criterion.

2. Height

No height exceptions are sought.

3. Lot Coverage

No lot coverage exceptions are sought.

4. Accessory Residential Structures and Uses

No new accessory residential structures or uses are proposed.

5. Residential Density

All of the proposed residential units are subject to an occupancy limit of 4 unrelated adults or a family as defined in the CDO. **(Affirmative finding)**

6. Uses

Not applicable.

7. Residential Development Bonuses

The applicant is seeking a residential conversion bonus under item D of this criterion. This bonus allows for a maximum of 8 dwelling units/acre for the conversion of a nonresidential use (in this case, a motel) to a residential use subject to the following criterion:

- 1) The structure proposed for demolition (or, in this case, conversion) shall not be listed or eligible for listing on the National or Vermont Register of Historic Places. The motel is not historically significant.

The project, due to the number of proposed dwelling units (i.e. more than 5), is also subject to inclusionary zoning requirements. In this case, all of the residential units will qualify as inclusionary. As a result, an additional density of 8.75 dwelling units per acre applies.

Together, these two bonuses result in a density limit of 16.75 units per acre and are under the limits noted in Table 4.4.5-8, *Maximum Density, Lot Coverage and Building Heights with Bonuses*. Based on the 0.49 acre lot size, 8 dwelling units are the maximum potential density. This

same combination of density bonuses was used for the SD Ireland concrete plan conversion to apartments at 140 Grove Street. **(Affirmative finding)**

Sec. 4.4.6, Recreation, Conservation, and Open Space Districts:

(a) Purpose

(2) RCO-Recreation/Greenspace (RCO-RG)

A small portion of parking area work extends onto 97 Locust Street and into the RCO-RG zone. This property is Calahan Park and is consistent with the intent of the RCO-RG zone: to provide a diversity of passive and active recreational opportunities and other urban green spaces that provide for public use and enjoyment. The parking improvements are intended to serve folks using the community gardens at the park. **(Affirmative finding)**

(b) Dimensional Standards & Density

Lot coverage will increase by 291 sf – an increase of 0.03%. Existing lot coverage is about 9%. Up to 15% is permissible.

Side yard setbacks do not apply to the shared parking area. There are no changes to building height. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The existing park use will remain unchanged. **(Affirmative finding)**

(d) District Specific Regulations

(Not applicable)

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.5.5 (b) 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

No new outdoor lighting is indicated in the application materials. A number of existing doorways will be modified and replaced with new. There are existing light fixtures. Indication as to whether

the existing fixtures or new ones will be installed is needed. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

No changes to stormwater management are proposed or required for the small additional area of pavement. The small amount of earthwork proposed does not require an erosion control plan. **(Affirmative finding)**

Article 6: Development Review Standards:

Part 1: Land Division Design Standards

Sec. 6.1.2 Review Standards

(Not applicable)

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

Very little about the site is changing. Building orientation, topography, and circulation all remain unchanged. The existing concrete walkway in front of the present-day motel rooms will be modified so that it is flush with the converted apartment entries. More significantly, the southern edge of the surface parking area will be extended to the south by 291 sf. This small expansion will allow sufficient area for 3 new parking spaces to be shared with the adjacent community gardens. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

As with the site, very little about the building's exterior will change. Side-by-side doors will be replaced with individual doors for the converted apartments. A single door on the north elevation will be removed and infilled with siding. A new ramp, stairs, and associated railing work are also proposed. The end result differs little from existing conditions. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the neighborhood parking district. As a result, each of the 8 apartment units requires 2 parking spaces – a total of 16 parking spaces in this case. As proposed, 12 parking spaces will be provided. Of those 12 spaces, 3 are to be shared with the adjacent community gardens. A parking waiver is sought as noted in Sec. 8.1.15 below. **(Affirmative finding)**

Sec. 8.1.9, Maximum Parking Spaces

(Not applicable)

Sec. 8.1.10, Off-Street Loading Requirements

(Not applicable)

Sec. 8.1.11, Parking Dimensional Requirements

The 9 angled parking spaces are dimensionally compliant at 9' X 18' (with 2' overhang). The 3 parallel parking spaces are also dimensionally compliant at 9' X 22'. Back-up space provided is somewhat shy of the standard at 20'; however, it is sufficient to allow 10' aisles for vehicles entering and leaving 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

(Not applicable)

(c) Front yard parking restricted

Parking spaces are configured such that they are behind the front yard setback.

(Affirmative finding)

(d) Shared parking in the Neighborhood Parking Districts

The proposed parking arrangement provides for shared use of 3 spaces. While this criterion is aimed at multiple uses within a single building or lot, the effect is the same. A single parking area will serve two adjacent uses. **(Affirmative finding)**

(e) Single story structures in Shared Use Districts

(Not applicable)

(f) Joint use of facilities

See Sec. 8.1.15.

(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 residents or community gardeners only.

(Affirmative finding)

(h) Compact car parking

(Not applicable)

Sec. 8.1.13, Parking for Disabled Persons

The site plans depict 2 handicap parking spaces in close proximity to the walkway connecting to the apartment entries. 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

Within this neighborhood parking district, 16 parking spaces are required for the 8 apartments. A total of 12 parking spaces are provided, including 3 spaces to be shared with the adjacent community gardens during the gardening season.

Properties owned and operated by the applicant, Champlain Housing Trust, have a demonstrated history of lower than average vehicle ownership per dwelling unit. Such is the case anticipated here. Of the 8 apartments, 6 will be 1-bedroom or efficiency units and can be reasonably

supported by 1 parking space each. The remaining 6 spaces are more than enough to serve the remaining 2 apartments.

During the gardening season, 3 of the parking spaces would be made available for shared use with the adjacent community gardens. The number of plots is unclear. The required parking is 1 space per 10 plots. The community gardens have no onsite parking now, and any proposed parking would reduce their degree of parking nonconformity. While this shared use arrangement may well work, the proposed parking management plan does not clearly articulate how these 3 spaces will be shared during the gardening season. There need to be clear parameters around how and when the spaces will be shared and how demand for concurrent use by the apartment residents and community gardeners will be avoided. Additional detail is needed. The parking management plan must be made acceptable to the City Attorney.

As with all parking waivers, the applicant must provide to the Department of Planning & Zoning numbers tallying actual onsite parking demand each year for a total of 3 years following approval. **(Affirmative finding as conditioned)**

Sec. 8.2.5, Bicycle Parking Requirements

As the 8 apartments would require less than 4 bike parking spaces, no onsite bike parking is required per Sec. 8.2.3, *Existing Structures*. **(Affirmative finding)**

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 this Article. Typically, 15% of the total unit count must be inclusionary (15% of 8 is 1 dwelling unit) in this zone. As noted previously, all of the apartments are intended to qualify as inclusionary units. A certificate of compliance from the manager of the city's Housing Trust Fund is required. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, written confirmation of adequate wastewater capacity from the Dept. of Public Works shall be obtained.
2. **Prior to release of the zoning permit**, written approval of the inclusionary housing proposal shall be obtained from the manager of the city's Housing Trust Fund.
3. **Prior to release of the zoning permit**, details as to fixtures, locations, and illumination levels of all new outdoor lighting shall be submitted, subject to staff review and approval.
4. **Prior to release of the zoning permit**, a revised parking management plan shall be submitted, subject to staff review and approval. The revised plan shall provide clear parameters around how and when the 3 shared use parking spaces will be shared and how demand for concurrent use by the apartment residents and community gardeners will be avoided. The management plan shall be made acceptable to the City Attorney. The applicant shall report back to the Department of Planning & Zoning every year for 3 years following construction with a written summary of actual parking demands.
5. Days and hours of construction shall be limited to Monday – Friday, 7:00 AM – 6:00 PM.
6. Any encroachments into the public street right-of-way (permanent or temporary and) will require an encumbrance permit via the Department of Public Works.
7. Occupancy of each dwelling unit is limited to “family” as defined in Article 13: Definitions of the Comprehensive Development Ordinance.

8. It is the applicant's responsibility to comply with all applicable ADA requirements.
9. 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.
10. Standard Conditions 1-15.

