

## Department of Permitting & Inspections

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** January 22, 2020  
**RE:** 20-0579AP; 180 Queen City Park Road  
20-0580AP; 266 Queen City Park Road

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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: ELM Ward: 5S

Owner/Appellant: Burton Corporation / City of South Burlington (Andrew Bolduc, Esq.)

**Request:** Appeals of administrative zoning permits for stormwater enhancements and parking layout revisions at two properties (180 & 266 Queen City Park Road).

### **Overview:**

Two zoning permits were administratively approved for site work at the two adjacent Burton properties on Queen City Park Road. Site work pertained to stormwater improvements and parking layout revisions and associated landscaping and lighting. The appellants are seeking to require that the applicants perform a traffic study and to ensure collaboration with the City of South Burlington as to traffic and infrastructure impacts.

**Recommendation:** Uphold administrative zoning permits based on the following findings and conditions:

### **I. Findings:**

The two properties, 180 and 266 Queen City Park Road, are located side-by-side and, together, comprise the Burton Corporation campus. The proposed stormwater improvements are intended to address new state stormwater requirements under Act 64. Parking lot revisions were necessary to accommodate the new stormwater improvements. Related changes to landscaping and lighting were also proposed. As the proposed work affected both properties, two zoning applications were filed and reviewed concurrently. Although a zoning application for a performing arts center at this location is widely anticipated, no part of these zoning applications pertains to a change in use.

The zoning application for 180 Queen City Park Road was filed November 7, 2019. Staff contacted the applicants as to the need for an additional permit application for the adjacent property and also pointed out that the proposal for 10 additional parking spaces could not be approved without a maximum parking waiver from the Development Review Board. The second zoning application for 266 Queen City Park Road was filed November 18, 2019. Revised plans showing no net change in parking count accompanied that application.

The applications contain no change in total parking count and result in an overall reduction in lot coverage. Existing landscaping is to be altered with new landscaping, and existing outdoor lighting is to be revised with new outdoor lighting. Upgraded stormwater management features are proposed and are subject to review by stormwater program staff. No net change in curb cuts is proposed; however, some alterations as to location are proposed, subject to review by the city's right-of-way and excavation inspector. The adjusted curb cut locations result in one curb cut accessing the road within the City of South Burlington on the 266 Queen City Park Road parcel. Conditions of approval reflect this result. The zoning permits were approved November 19, 2019 subject to the following conditions:

180 Queen City Park Road (20-0493CA)

1. **Prior to release of the zoning permit**, a completed "standard erosion prevention and sediment control plan" shall be submitted, subject to review and approval by city stormwater program staff.
2. The proposed curb cut work is subject to separate review and permitting by the Department of Public Works' Excavation Inspector.
3. The proposed stormwater improvements are subject to separate review and approval by the Department of Public Works' stormwater program staff.
4. Standard permit conditions 1-15.

266 Queen City Park Road (20-0514CA)

1. **Prior to release of the zoning permit**, a completed "standard erosion prevention and sediment control plan" shall be submitted, subject to review and approval by city stormwater program staff.
2. The proposed curb cut work is subject to separate review and permitting by the Department of Public Works' Excavation Inspector.
3. The proposed stormwater improvements are subject to separate review and approval by the Department of Public Works' stormwater program staff.
4. The newly proposed southerly curb cut appears to access the street within the City of South Burlington. The applicant is advised to consult South Burlington Public Works Department as to any applicable permitting requirements under that city's jurisdiction.
5. Standard permit conditions 1-15.

The zoning permit conditions appropriately refer to separate authorities for several items: The erosion control plan, the stormwater management plan, and the curb cut alterations. 266 Queen City Park Road borders the City of South Burlington. Condition 4 for that zoning permit directs the applicants to consult with South Burlington as to any applicable requirements under that jurisdiction. Lacking any change in use or increase in parking or curb cuts, no traffic study was required. Note that the typical threshold for requiring a traffic study is the generation of at least 75 new peak hour trip ends. Such is not the case here.

Appeals of these two zoning permits were filed December 4, 2019, within the 15-day appeal period. The appeals request that the applicants perform a traffic study and request collaboration with the City of South Burlington as to traffic and infrastructure impacts. The appeals reference a number of sections of the CDO as their basis.

- Sec. 3.1.2 (a) lists a number of things that require a zoning permit. In this case, the proposed work requires zoning approval. Zoning permits were sought and obtained as required.
- Sec. 3.2.2 (d) describes what a Level 2 Certificate of Appropriateness is and the submission requirements. The applications were appropriately handled as level 2 COA's.
- Sec. 3.4.2 (a) & (b) refer to site plan and design review. The two zoning applications were subject to both site plan and design review standards.
- Sec. 6.2.2 (i) contains site plan design standards for vehicular access within properties subject to design review. These standards were applied in review and approval of the zoning permits. While this section enables requirement of a traffic study for commercial driveways, there is no reason for doing so in the case of these two zoning applications.

Proposed work included in the two zoning applications is compliant with applicable standards in the Comprehensive Development Ordinance. Items outside the jurisdiction of the CDO are referred to the appropriate jurisdictional authorities. There is no reason based on the applicable standards within the CDO to modify the zoning permits.

**II. Recommended Motion:**

Uphold the approval of zoning permits 20-0493CA and 20-0514CA.