

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Austin Hart
Brad Rabinowitz
Jonathan Stevens
Alexandra Zipparo
Israel Smith
AJ LaRosa
Geoff Hand

Wayne Senville, (Alternate)
Jim Drummond, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday April 5, 2016, 5:00 PM

Contois Auditorium, City Hall, 149 Church Street, Burlington, VT
Minutes

Board Members Present: Austin Hart, Brad Rabinowitz, Alexandra Zipparo, A.J.LaRosa, Jim Drummond, and Wayne Senville

Board Members Absent: Jonathan Stevens, Geoff Hand, Israel Smith

Staff Members Present: Scott Gustin, Ryan Morrison, Anita Wade

I. Agenda

Board will address 3 requests to reopen hearings prior to Sketch Plan. Can accommodate 124 Sunset Cliff and 17 Henry St as long as there are no serious issues for health and safety.

II. Communications

Letter from Matthew Daly regarding 16 Rose Street. Other Business accepted by Board

III. Minutes

IV. Consent Agenda

1. 14-0753CA/CU; 210 SOUTH UNION STREET (I, Ward 6) Chad Tyler

Request for time extension to add one residential unit to existing accessory structure, increasing total units for property from four to five; add one surface parking space.
(Project Manager, Ryan Morrison)

A.Hart – asks applicant if there are there any concerns or conditions about the staff report.

C.Tyler - did not receive staff report.

A.Hart – we will give you time to review and read. Asked Board members if item could be treated as a consent. Asked if members of public wanted to respond.

Recommends approval with modifications.

B.Rabinowitz – makes a motion to approve staff findings and recommendations with modification.

A.J.LaRosa – seconds the motion.

Board Vote: 6-0-0

2. 14-0671CA/MA; 194 SAINT PAUL STREET (DT, Ward 6) Champlain College

Request for extension on construction of a mixed use building with ground-floor commercial space, 104 units, 289 bed, 6 story apartment building with 66 space enclosed parking. Development to merge three existing lots. (Project Manager, Mary O'Neil)

A.Hart – recused from item.

B.Rabinowitz – Asks Board members if item can be treated as consent. Asks for public comment. Opens as public hearing and swears in applicant and interested parties.

J.Daggitt – resident of 161 St Paul diagonally from 194 St Paul. Spoke regarding condition of the property and how it needs to be cleaned up. Asks responsible parties to keep art work on wall. If not remediating property suggests alternate use of property as small public park or extension of farmer's market.

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Department of Planning & Zoning at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

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B.Rabinowitz – these are things beyond our purview or right now. May be relevant for the future.
 S.Gustin - there is a permit in place but this request is for an extension for one year. Permits in hand would need to expire first.
 B.Rabinowitz - applicant has a permit and alternate uses are not relevant at the moment.
 J.Daggitt - thank you for the opportunity to speak.
 J.Caulo – this was a tough winter. We continue to clean up. Engaging students in street art. Variety of challenges, but college is committed to working this through in a prudent manner. The budget is taking time.
 A.Zipparo – Like the art work.
 A.Hart - Closed public hearing.

V. Public Hearing

1. **16-0870AP; 124 SUNSET CLIFF ROAD (RL-W, Ward 4N) Joseph Kroger**
 Appeal of Notice of Zoning Violation #298627 relative to a second unit in a single family home. (Jeanne Francis)

M.Stern – represents the owner/seller.
 A.Hart – asks if this is a continue to an alleged zoning violation with Code Enforcement
 MStern- the issue is a timing concern on when is the next available date.
 A.Hart - request to continue
 S.Gustin continuance is mute since we didn't receive an appeal. Can continue public hearing
 A.Hart - move to continue hearing until regular hearing on April 19th with consideration.
 B.Rabinowitz – Seconded the motion.
 Board Vote: 6-0-0

2. **16-0914AP; 17 HENRY STREET (RL, Ward 1E) Jill Boardman**
 Appeal of zoning violation for 5 unrelated adults in a dwelling unit located in an RL zone and unfinished attic constructed as habitable space. (Project Manager, Jeanne Francis)

A.Hart - asks for response from anyone from public or interested parties. Asks for a continuance to date certain.
 S.Gustin – a continuance to date certain and settlement agreement may be reviewed either May 3rd or May 17th.
 A.Hart – motions to continue to date certain on May 3 to allow parties to resolve their agreement.
 W.Senville - seconds the motion.
 Board Vote: 6-0-0

VI. Other Business:

16-0762PD; 16 Rose Street (RM, Ward 3C) J&S LLC

A.Hart - 16 Rose St intends to submit additional information on parking to the Board. The discussion will be whether the Board would reconsider to allow the applicant to present information on parking.
 W.Senville – makes a motion for 16 Rose to be reopened for reconsideration.
 AJ.LaRosa – seconds the motion asking that additional testimony be limited to parking issues only.
 Board Vote: 6-0-0

16-0859CU; 616 South Willard (RL, Ward 6S) RJL South Willard Management LLC

A.Hart – this is a request to reopen the public hearing on the issue of shared of site parking.
 B.Rabinowitz – the application came before us to request parking was denied because of a modification of a nonconforming use. This would be an extension of the nonconforming use.

S.Gustin – the intent to reopen was in response to the parking needs, and to provide a description of how it would work. Applicants have new information on the Church agreement and how they can make it work.

AJ.LaRosa – Board can reopen it but not for additional nonconforming use or for additional parking. Reopen the hearing to see what was missing previously and demonstrate a parking management plan.

B.Rabinowitz – makes a motion to reopen the public hearing and to hear testimony to view submittals relating to parking issues related to car rental.

W.Senville – seconds the motion.

A.Hart recused from vote.

Board Vote: 4-1-1. Motion carried.

16-0724PD; 451 Ethan Allen Parkway (RL, Ward 7N) Timothy G Alles and William E Ellis

A.Hart – asked if a member of the homeowner's association was present. No one present. One issue raised was if there was proper notice and on the deliberation. Asks staff if notices were sent.

S.Gustin - notices did go out online and in the paper. Contingent neighbors said they did not get a notice, but the notices were not returned by mail, which means they were on the mailing list.

AJ.LaRosa - do you know by name of those on the list?

S.Gustin – Sue Reardon was one. Would have to check the list for others.

A.Hart – is anyone here for the applicant? No one.

B.Rabinowitz – there was a long time from the original hearing. This was a preliminary plat and all issues addressed in the letter were addressed at the public hearing.

AJ.LaRosa - when can this be scheduled?

S.Gustin - applicants have a year.

B.Rabinowitz – this is a challenging site that has to have an independent consultant to address the buildable area. Can you appeal a preliminary plat?

S.Gustin – yes.

W.Senville – when they contacted you, did you reply it would be brought up tonight?

S.Gustin – yes. Did not say the Board would look into merits of the case tonight. It was only about the Board's decision to reopen the public hearing.

A.Hart - Some of this is outside our jurisdiction, such as DPW cutting trees. This could be about a disagreement with our decision, not based on incorrect facts. This will come back for final plat, and would vote not to reopen.

A.Hart – makes a motion to respectfully reject a request to reopen the public hearing for 451 Ethan Allen Parkway.

B.Rabinowitz – seconds the motion.

Board Vote: 6-0-0

16-0845AP; 75 Grant St (RH, Ward 2C) Priscilla R Toomey

S.Gustin – this is an appeal scheduled on the April 19th DRB agenda regardless of what we do.

Appellants are requesting deferral of the April 19th meeting since the property owner will be out of town. Cannot defer tonight since it is on the April 19th agenda. Can defer it on April 19th.

K.Lumpkin – representing the owner was here two weeks ago and was not aware this was to be continued to a date certain. The owner is concerned about not being here on April 19th if a decision is made. She is traveling to Europe to see her daughter. She is available May 3rd.

A.Hart – Typically try to accommodate applicants, unless there are health and safety issues. Likely for the Board to look favorably on the request to continue, procedurally cannot defer this now.

We would not close the public hearing for property owner unless someone convinces us it requires immediate attention. We will consider it briefly on April 19th.

A.Hart - no motion formally in front of us at this time.

VI. Sketch Plan

**1. 16-0746SP; 72 80 94 COLCHESTER AVENUE and 27 FLETCHER PLACE (I, Ward 1E)
Edward B von Turkovich**

Sketch Plan review for proposed two 3 story buildings with 78 apartment multi-residential complex and associated parking.

(Project Manager, Mary O'Neil)

B.Rabinowitz – asks applicants to speak about the parcels, setbacks, and plans.

F.von Turkovich - met with staff last week and agreed that all properties should be included within the PUD for purposes of review and deal with each parcel individually for the easement for purposes of permitting.

B.Rabinowitz – can there be different owners of various parcels in a PUD.

S.Gustin - can have multiple owners of parcels within a PUD.

G.Rabideau – project architect, went over plans identifying each parcel and lot density and coverage calculations. Proposed density is 78 units in two building with parking primarily under the building. Taking advantage of density bonus but not building out to maximum of 96 units for workforce housing. This is still same proposal as previous one with minor adjustments.

A.Zipparo – question about term used, 'workforce housing'.

G.Rabideau - not meant for student housing or to be large apartments full of people. Want to appeal to people who work at UVM and medical center offering extra amenities and being able to walk to work. Staff did not see traffic problems and given location it will be lower generation of traffic.

AJ.LaRosa - asks about traffic at the entrances.

B.Rabideau - no new curb cuts. Exit will be at traffic light.

AJ.LaRosa – asks about restricting traffic at one entrance and if it will be difficult for two way traffic.

B.Rabinowitz - need to look at internal functions of buildings and look at the traffic onto sight and within the site. As part of calculation, include traffic on site and within the site.

B.Rabideau – intend to eliminate curb cut at 66 could allow for more parking. Need to work with owner on east west circulation. The goal is to have an east west circulation behind the buildings.

B.Rabinowitz - questions typography.

G.Rabideau – mild slopes to back of site and natural terrains. Precipitous steep ravine in rear. Changing grade and surface parking circulation.

B.Rabinowitz – questions the back of the building and the drop off in the rear.

G.Rabideau - shows drop off and where natural area will remain. Points out buildable area and storm water discharge area having paths through woods and extensive trail network to Riverside.

AJ.LaRosa – asks about storm water detail and plan. Concerns on the amount of impervious area and steep slope for storm water discharge to bottom of ravine. Would want to know more about what suggests for infiltration into green infrastructure.

B.Rabideau – there is on site protection. Once a civil engineer comes on board will work with DPW and present infiltration plan. Existing and proposed coverage is almost identical.

B.Rabinowitz – asks staff if steep slopes affect the lot calculation.

S.Gustin – this is in an institutional zone and does not apply.

B.Rabideau – maximum housing opportunity and institutional zone allows for more units.

B.Rabinowitz – questions grade of rear building and buffer.

J.Drummond - questions slopes.

B.Rabinowitz - asks for public comment.

R.Butani – he and his wife own property on Fletcher Pl and provided a supplement of letters on this project. Mr.vonTurkovich is not presenting the building mass. Fletcher Place houses are historic. The north building will loom over our house. The building looks more like a dormitory. The land is unbuildable. Having a problem with students residing in the area now. Would like to see geotechnical plans.

S.Bushor; city councilor for Ward 1; there are a fair amount of issues, placement of project, protecting infill and protecting existing neighborhood. There was a development agreement with UVM as effort to protect neighborhood houses area that are over 200 years old. In technical review

committee this was not considered as an institutional core campus, which is a huge distinction that everyone should understand. As city councilor, aware of the runoff that pools and 27 Fletcher Pl where housing will go has huge drainage problems not yet addressed. How will this be resolved with the pooling and what about the water table? Concerned that housing type proposed are small and won't be families with studios and 1 bedroom.

The massing and size is not part of a neighborhood, which is not compatible with surroundings. Storm water and runoff is really important and this needs to be addressed.

B.Hickok – resident at 26 Fletcher and has lived there for over 4 generations. One of the points my wife and I have is that project is way too big building individual units. If built Queen Anne style with 20 units would look better. The building will be 35 ft. high and block out the sun. Question the stability of the ravine. The fill was not professionally done to guarantee stability. If trees and root system is taken away questions the stability of the ravine. Early 1900's common to use fill from barge canal with known carcinogens. Materials could be released if disturbed or possible embankment failure. Currently there are nine students living near us with clutter around the house and yard.

R.Hillyard – on the NPA steering committee. Letters are consistent at NPA meetings with the next meeting on this topic for April 11th. Implicit is loss of about 15% value on people's property. Developer spoke about what he needs to do to make economic, and not what this means for neighbors. Do we want buildings to look penitentiary and people to move out?

F.vonTurkovich - addresses drainage; city resolved drainage and seemed to resolve elevated grade. Once we bring proper civil engineer onboard we will present plans to Board.

B.Rabinowitz - It is a question of scale and some transition between what is there and what could be.

G.Rabideau – we have made a commitment to underground parking and if we break away from this format there will be more surface parking. Difficulty with inclusionary housing and making the math work.

B.Rabinowitz - we are charged with working from zoning ordinance and looking at the scale in relation to the neighborhood.

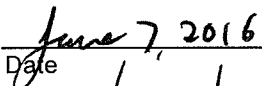
F.vonTurkovich - our target market is not students.

B.Rabinowitz - closed public hearing. Meeting adjourned.

VII. Adjournment


A.Hart, Chairperson of Development Review Board


A.Wade, Planning & Zoning Clerk


Date

Date

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m.

Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office is considered public and cannot be kept confidential.

This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/dr/ agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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Wayne Senville (Alt)*



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday April 5, 2016

PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on **Tuesday April 5, 2016 at 5:00 p.m. in Contois Auditorium, City Hall.**

- 1. 14-0671CA/MA; 194 SAINT PAUL STREET (DT, Ward 6) Champlain College Inc.**
Request for time extension to construct mixed use building with ground-floor commercial space, 104 residential units and enclosed parking. Development to merge three existing lots.
- 2. 16-0870AP; 124 SUNSET CLIFF ROAD (RL-W, Ward 4N) Joseph Kroger**
Appeal of Notice of Zoning Violation #298627 relative to a second unit in a single family home.
- 3. 14-0753CA/CU; 210 SOUTH UNION STREET (I, Ward 6) Chad Tyler**
Request for time extension to add one residential unit to existing accessory structure, increasing total units for property from four to five; adding one surface parking space.
- 4. 16-0914AP; 17 HENRY STREET (RL, Ward 1E) Jill Boardman**
Appeal of Notice of Zoning Violation #300029 for 5 unrelated adults in a dwelling unit located in an RL zone and unfinished attic constructed as habitable space.

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m.

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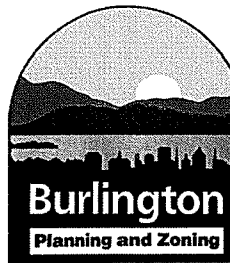
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Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/PZ/>
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

David E. White, AICP, Director
Meagan Tuttle, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner *monil*
Date: April 5, 2016
RE: ZP14-0671CA/MA

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.

File: ZP14-0671CA/MA

Location: 194 St. Paul Street

Zone: DT **Ward:** 6

Date application accepted: February 23, 2016

Date of Permit Approval: Decision by Vermont Environmental Court March 16, 2015.

Applicant/ Owner: Champlain College, Inc. (Eagles Place)

Request: One year time extension.

Background:

The applicant received approval of a 104 dwelling unit, 289 bed, 6-story apartment building with 4,200 sf ground-level retail space and 66 space enclosed parking. The proposal will redevelop the former Eagle's Club and Browns Court parking lot properties and would involve the merger of these properties into a single parcel. The project has been pursued in partnership between the City of Burlington and Champlain College and is the culmination of a decades-long effort by the City to redevelop the Browns Court parking lot property. The development includes significant construction within the public right-of-way and involves coordination with the Department of Public Works. The application received approval on appeal to the Vermont Environmental Court; decision dated March 16, 2015.

Previous zoning actions for this property are listed below.

- 11/13/13, Approval to demolish structure and parking areas and to excavate
- 1/9/09, Approval to change use to temporary boarding house
- 7/27/06, Approval to install freestanding sign
- 11/9/99, Approval to install parallel sign
- 8/27/97, Approval to install replacement 2nd floor windows
- 1/28/93, Approval to install a telecommunications cabinet

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

I. Findings

Article 3: Applications, Permits and Project Reviews

Section 3.2.9 Zoning Permits

(d) Time Limit on Zoning Permits

Notwithstanding (e) and (f) below, a zoning permit shall become invalid unless the work or action authorized commences within one (1) year after the date of final decision. All work or action authorized there under shall be completed, and a Final Zoning Certificate of Occupancy received, within two (2) years of the date of decision unless a written extension of time not to exceed one (1) year is grant in advance by the administrative officer. Extensions of time for a zoning permit issued in connection with a conditional use or variance shall require approval by the DRB after a public hearing.

The application for a time extension is subject to review by the Development Review Board as a Major Impact/Conditional Use application. The request for an extension was filed in a timely manner, and eligible for consideration under this standard.

(f) Exceptions to Permit Time Limits

Except for projects subject to additional state or federal permitting jurisdiction, or which have been appealed to Vermont Environmental Court pursuant to the requirements of Article 12, there shall be no exceptions to the time limits specified in Sec. 3.2.9(d) and (e) unless longer or shorter time limits are specifically imposed as permit conditions of approval by the DRB at the time of approval. For projects subject to additional state or federal permitting jurisdiction, the date of decision shall be deemed to be the latest date of decision of the state or federal permitting authority. For projects under appeal pursuant to the requirements of Article 12, the date of decision shall be deemed to be the date of the decision adjudicating such appeal.

Since the project is located completely within the City of Burlington's designated downtown development district, it qualified for review pursuant to 10 V.S.A. §6086b Downtown Development Findings in lieu of obtaining an Act 250 Permit. Pursuant to the Findings of Fact and Conclusions of Law for Application #4C0515-17 which has been provided, state permitting jurisdiction did attach. Therefore, the date was tolled until **June 11, 2015**, making the deadline for commencement June 11, 2016. The applicant has requested a one-year time extension from that date for commencement of construction.

The applicant provides that the project team remains in the process of completing construction documentation, and anticipates the process to be complete by early summer 2016. Additionally, project related challenges includes soil remediation, purchase/sale transaction of the Browns Court parcel and easement and license agreements which are likely to delay construction commencement, requiring consideration of a time extension.

Given the complexity of the project and multiple entities involved in whole project permitting as well as site remediation and formalization of license and easement agreements, a one year time extension for commencement of construction activities appears reasonable.

II. Conditions of Approval

1. All permit conditions of ZP14-0671CA/MA not herein altered shall remain in effect.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.



CHAMPLAIN COLLEGE

163 South Willard Street
P.O. Box 670
Burlington, VT 05402-0670
(802) 860-2700 | (800) 570-
fax (802) 860-2767
www.champlain.edu

23 February 2016

Ms. Mary O'Neil, Senior Planner
Department of Planning and Zoning
City of Burlington
City Hall Burlington, VT 05401

RECEIVED
FEB 23 2016

DEPARTMENT OF
PLANNING & ZONING

RE: Eagles Landing – ZP#: 14-0671CA/MA
Request for Permit Extension

Dear Mary:

Per Section 3.2.9 (d) of the Ordinance, please let this correspondence serve as a formal request of the Development Review Board to grant a one (1) year extension of the approval for the above-referenced development project. The Project team is in the process of completing construction documentation required for construction, and we anticipate the design will be complete by early summer. In addition, there are other project-related challenges with are in the process of working through, including:

- Soil remediation
- Purchase/sale transaction of Browns Court parcel
- Easement and license agreements for various areas at the Project Site

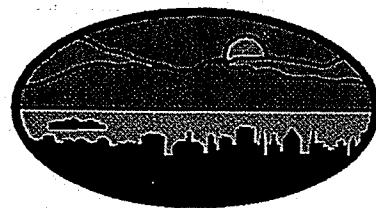
While we are working productively and diligently with City officials to resolve these issues, the timeframe for completion will extend beyond the time limit of our current approval.

Thank you for your consideration. If additional information required, please advise.

Sincerely,

John Caulo

Associate vice President – Campus Planning and Auxiliary Services



ZONING PERMIT
CERTIFICATE OF APPROPRIATENESS

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 12/31/2013

Appeal Expiration Date: 04/15/2015

Project Location: 194 SAINT PAUL STREET

District: DT

Owner: Champlain College Inc.

Ward: 6

Address: PO BOX 670

Tax ID: 049-3-028-000

BURLINGTON VT 05402-0670

Project Type: Mixed Use - New Construction

Project Description: Construction of mixed use building with ground-floor commercial space, 104 residential units and enclosed parking. Development to merge three existing lots.

Construction Cost:	\$25,000,000	Lot Size (Sq Ft):	43,560
Net New Habitable Sq Ft:	174,846.00	Net New # of Housing Units:	104
Existing % Lot Coverage:	73.50	Existing # of Parking Spaces:	41
Proposed % Lot Coverage:	88.00	Proposed # of Parking Spaces:	66
Net New % Lot Coverage:	14.50	Required # of Parking Spaces:	66

Zoning Permit #: 14-0671CA/MA

Decision By: Development Review Board

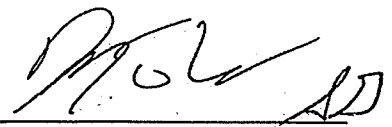
Level of Review: 2

Decision: Approved

See Conditions of Approval

Decision Date: March 16, 2015

Project File: 14-0671CA/MA


Zoning Administrative Officer

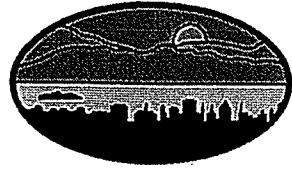
Combined Review: Major Impact Development

An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division until 4 pm on April 15, 2015.

Fee Type	Amount	Paid in Full	Balance Due: \$112,500.00
Application Fee:	\$77,820.00	Yes	Date Paid: _____
Development Review Fee:	\$112,500.00	No	Check # _____
Impact Fee:	See Conditions of Approval		

Building Permit Required: **Yes**

Permit Received by: _____ Date: _____



City of
Burlington, Vermont
149 Church Street

**Zoning Permit - COA and Major Impact Development –
Conditions of Approval**

ZP #: 14-0671CA/MA

Tax ID: 049-3-028-000

Issue Date: March 16, 2015

Decision: Approved

Property Address: 194 SAINT PAUL STREET

Description: Construction of mixed use building with ground-floor commercial space, 104 residential units and enclosed parking. Development to merge three existing lots.

Project Permit Conditions:

1. This permit approval is per the “Stipulated Approval of Permit” contained within the March 16, 2015 “Consented to Order” issued by Presiding Judge Tom Walsh of the Superior Court Environmental Division (attached).
2. **Prior to release of the zoning permit**, review and approval of sight distances, turning radii, and retaining walls by the city engineer shall be required.
3. **Prior to release of the zoning permit**, a wastewater capacity letter from the Department of Public Works shall be obtained.
4. **Prior to release of the zoning permit**, a plan or mutual agreement for snow storage and/or removal, particularly for Browns Court, shall be executed between Champlain College and the City of Burlington.
5. **Prior to release of the zoning permit**, removal of the street tree for the Maple Street garage entrance shall be reviewed and approved by the City Arborist.
6. **Prior to release of the zoning permit**, a revised site plan depicting a relocated dumpster away from the Browns Court homes and screened shall be submitted, subject to review and approval by the Development Review Board.
7. **Prior to release of the zoning permit**, revised project plans depicting the following shall be submitted, subject to staff review and approval:
 - a. Bicycle parking sign details;
 - b. Additional shrubs planted to screen the Browns Court garage openings;
 - c. Outdoor and garage lighting details compliant with Sec. 5.5.2 of these findings; and,
 - d. Commercial mailbox details.
8. **Prior to release of the zoning permit**, all required permissions and encroachment agreements for work and development (including the final extent, layout, and components of such construction) within the public ROW shall be sought and granted.
9. **Prior to release of the zoning permit**, the following stormwater management conditions shall be met:
 - a. The applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator;
 - b. The applicant shall obtain the written approval of the Stormwater Management Plan from the Stormwater Administrator; and,
 - c. A letter of credit or escrow agreement shall be executed with the City of Burlington for all construction site stormwater management and erosion control measures. The agreement shall be in an amount sufficient to cover the complete cost of administration and construction

\$110655.78	\$32385.44	\$57363.58	\$68388.41	\$0.00	\$0.00	\$268793.21
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Standard Permit Conditions:

1. **Other City, State or Federal Permits.** The owner is solely responsible for obtaining all other required City, state and federal approvals. Failure to do so may invalidate this Zoning Permit and result in enforcement actions.
Note: All projects receiving a Zoning Permit also require a Construction Permit or written confirmation that a Construction Permit is not required from Department of Public Works-Inspection Services Division (DPW-ISD). All construction permits must be closed out by way of approved inspections by DPW-ISD before issuance of a Unified Certificate of Occupancy (UCO) by the Code Enforcement Office as per Condition 3, below.

2. **Time Limits.** This zoning permit shall become invalid unless work or action authorized by the permit is commenced by **March 16, 2016**. The owner shall complete the approved project and obtain a UCO (combined Zoning and Building certificates of occupancy, still applicable even if a zoning or building permit was not required) by **March 16, 2017**, or be subject to enforcement actions.

These time limits are binding upon the owner unless one of the following apply: a) longer or shorter time limits are specifically imposed by a condition of approval; or b) the time limits are tolled by additional state or federal permitting for the project or by an appeal; or c) an extension of time has been granted. An extension of time must be requested in writing PRIOR to the expiration of the permit. If the owner has enacted the permit and it lapses, the owner may be responsible to obtain a new zoning permit, if required, which shall be subject to the current Comprehensive Development Ordinance (CDO).

3. **Unified Certificate of Occupancy (UCO):** It shall be unlawful to use or occupy (or allow the use or occupancy of) any land or structure or part thereof which has been created, changed, converted, or wholly or partly altered or enlarged in its use or structure without a UCO.

If the project is partially completed, meets “prior to issuance of a UCO” conditions of approval, meets all health and safety standards, and all municipal fees for the project are paid, a Temporary Zoning CO may be requested and issued. Upon completion of the project, applicant shall request and obtain a Final UCO from the Code Enforcement Office (located at 645 Pine Street). Additional information on how to request and obtain this UCO is available at this office. **Failure to obtain a certificate of occupancy** places the property in violation of the CDO and is subject to enforcement.

In addition, **Failure to obtain a UCO within the time limits above is subject to** “after the fact” fees ranging from \$75 - \$1500 (in addition to the UCO fee).

4. **Project Modifications.** The project shall be completed as shown on the plans, which have been stamped “approved” and dated by the administrative officer. The project shall not deviate from the approved plans or conditions of approval without prior written approval from the administrative officer.
5. **Property Inspection.** By acceptance of this permit, the owner authorizes City Officials and/or their authorized representatives, access to the subject property for the purpose of observing work in

COPY

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION
DOCKET NO. 55-4-14Vtec

IN RE: APPEAL OF EAGLES PLACE,
LLC

CONSENTED TO ORDER

The Parties to this appeal have reached an agreement settling all disputes arising out of or related to *Eagles Place, LLC*, Docket No. 55-4-14 Vtec ("Lawsuit"). The Parties include applicant Eagles Place, LLC, appellee City of Burlington, appellee/cross appellants Frank von Turkovich, Allen Hunt, Jacob Webster, and Intervenor Ron Wanamaker, Anne Geroski, Jerrold Manock, Liisa Reinmann Rivera, Marge Allard, Tom Simon, Jack Menten, Peg Menten, Dan Goltzman, Norman Williams, Lucy Totten, and Emily Lee, hereinafter referred to jointly as "*Parties*." In accordance with the settlement, this Court hereby Orders:

1. Stipulated Approval of Permit. The conditional use and site plan approval is approved. The approval includes the final plans and conditions for the construction of a mixed use building with ground-floor commercial space, residential units and enclosed parking ("Project"). The development merges three existing lots: 14-0671CA/MA (194 St. Paul St. (Ward 6, DT)(Tax Lot No. 049-3-028-000); 14-0672CA/MA (1 Browns Court (Ward 6, DT)(Tax Lot No. 049-3-027-000); and 14-0721CA/MA (14 Browns Court (Ward 6, DT)(Tax Lot No. 049-3-041-000). The Project is subject to the following provisions and conditions:

- A. The Project shall be completed and maintained in accordance with the Plans approved herein by the Parties and the Stipulated Approval, including drawing A6—Elevation With Material Keys, revised January 2015. Compliance with the Plans, which are attached as Exhibit A to the Agreement ("Revised Plans") shall be a condition of the

2. Other Agreements. Portions of the settlement agreement involved commitments as between the Parties unrelated to the permit. This Court's jurisdiction, and thereby this Order, is limited to affirming the compliance of the Project with the City of Burlington Zoning Ordinance. The Court leaves the enforceability of such provisions to the Parties in accordance with the terms of their settlement agreement.

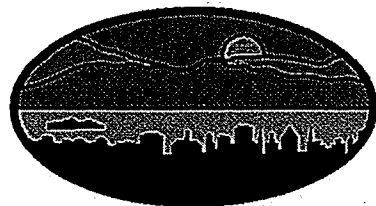
3. Fees and Costs. No attorney's fees and court costs are awarded to any party.

SO ORDERED:

March 16, 2015
Date

Tom Walsh
Presiding Judge
Environmental Court

5562016_2:1491-00194



**ZONING PERMIT
CERTIFICATE OF APPROPRIATENESS**

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 12/31/2013

Appeal Expiration Date: 04/15/2015

Project Location: 1 BROWNS COURT

District: DT

Owner: City Of Burlington - Department of Public Works

Ward: 6

Address: 645 PINE ST
BURLINGTON VT 05401

Tax ID: 049-3-027-000

Project Type: Mixed Use - New Construction

Project Description: Construct new six story, mixed use building including two public parking garages, first floor commercial space and 115 apartments for Champlain College students. In association with ZP#14-0671CA/MA at 194 Saint Paul St.

Construction Cost:	\$0	Lot Size (Sq Ft):	43,560
Net New Habitable Sq Ft:	0.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	73.50	Existing # of Parking Spaces:	41
Proposed % Lot Coverage:	88.00	Proposed # of Parking Spaces:	66
Net New % Lot Coverage:	14.50	Required # of Parking Spaces:	66

Zoning Permit #: 14-0672CA/MA

Decision By: Development Review Board

Level of Review: 1

Decision: Approved

See Conditions of Approval

Decision Date: March 16, 2015

Project File: 14-0671CA/

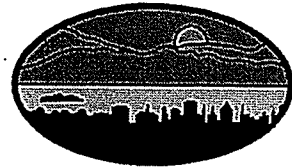
Zoning Administrative Officer

An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division until 4 pm on April 15, 2015.

Fee Type	Amount	Paid in Full	Balance Due: \$0.00
Application Fee:	\$150.00	Yes	Date Paid: _____
Development Review Fee:	\$0.00	NA	Check # _____
Impact Fee:	Not Applicable		

Building Permit Required: **Yes**

Permit Received by: _____ Date: _____



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Conditions of Approval

ZP #: 14-0672CA/MA

Tax ID: 049-3-027-000

Issue Date: March 16, 2015

Decision: Approved

Property Address: 1 BROWNS COURT

Description: Construct new six story, mixed use building including two public parking garages, first floor commercial space and 115 apartments for Champlain College students. In association with ZP#14-0671CA/MA at 194 Saint Paul St.

Project Permit Conditions:

See zoning permit 14-0671CA/MA, 194 Saint Paul Street for all permit conditions.

Standard Permit Conditions:

1. **Other City, State or Federal Permits.** The owner is solely responsible for obtaining all other required City, state and federal approvals. Failure to do so may invalidate this Zoning Permit and result in enforcement actions.
Note: All projects receiving a Zoning Permit also require a Construction Permit or written confirmation that a Construction Permit is not required from Department of Public Works-Inspection Services Division (DPW-ISD). All construction permits must be closed out by way of approved inspections by DPW-ISD before issuance of a Unified Certificate of Occupancy (UCO) by the Code Enforcement Office as per Condition 3, below.
2. **Time Limits.** This zoning permit shall become invalid unless work or action authorized by the permit is commenced by **March 16, 2016**. The owner shall complete the approved project and obtain a UCO (combined Zoning and Building certificates of occupancy, still applicable even if a zoning or building permit was not required) by **March 16, 2017**, or be subject to enforcement actions.

These time limits are binding upon the owner unless one of the following apply: a) longer or shorter time limits are specifically imposed by a condition of approval; or b) the time limits are tolled by additional state or federal permitting for the project or by an appeal; or c) an extension of time has been granted. An extension of time must be requested in writing PRIOR to the expiration of the permit. If the owner has enacted the permit and it lapses, the owner may be responsible to obtain a new zoning permit, if required, which shall be subject to the current Comprehensive Development Ordinance (CDO).

3. **Unified Certificate of Occupancy (UCO):** It shall be unlawful to use or occupy (or allow the use or occupancy of) any land or structure or part thereof which has been created, changed, converted, or wholly or partly altered or enlarged in its use or structure without a UCO.

If the project is partially completed, meets "prior to issuance of a UCO" conditions of approval, meets all health and safety standards, and all municipal fees for the project are paid, a Temporary

requirements of the CDO and receive an amended permit in light of the actual boundary line.

13. **Damage to City Property.** The Owner is responsible for any damage to the City of Burlington's property, including but not limited to its right-of-way, sewer/water lines, etcetera, that occurs during the site improvements authorized by this permit. If damage occurs, the Owner shall restore the property to a condition equal to or better than the condition of the property prior to such damage.
14. **City Rights-of-Way and Ownership.** Permit approval does NOT authorize any work to be undertaken within the public ROW. Any work in the ROW can only occur with prior authorization by DPW and City Council, as required. Any work or improvements that are taken within the City's right of way does not diminish the City's ownership or authority regarding said right of way.
15. **Liquor License Required.** An approval of any use that includes the sale of alcoholic beverages is contingent upon the receipt of a liquor license from the City of Burlington or the State of Vermont, whichever is applicable.



REVISED MEDIATION SETTLEMENT
January 2015

CIVIL DRAWINGS - LAMOUREUX & DICKINSON

C1	SITE PLAN
C2	EXISTING CONDITIONS & DEMOLITION PLAN
C3	UTILITY & GRADING PLAN NORTH
C4	UTILITY & GRADING PLAN SOUTH
C5	EROSION PREVENTION & SEDIMENT CONTROL PLAN
C6	NOT USED (PREVIOUSLY LANDSCAPE PLAN - SEE L2.0 & L2.1)
C7	DRIVE, PARKING & SIDEWALK DETAILS & SPECIFICATIONS
C8	WATER, STORM, & SEWER DETAILS & SPECIFICATIONS
C9	STORMWATER & EPSC DETAILS
PL	PROPERTY PLAT

LANDSCAPE DRAWINGS - WAGNER HODGSON LANDSCAPE ARCHITECTS

L0.0	ILLUSTRATIVE PLAN
L1.0	LAYOUT AND MATERIALS PLAN (NORTH)
L1.1	LAYOUT AND MATERIALS PLAN (SOUTH)
L2.0	PLANTING PLAN (NORTH)
L2.1	PLANTING PLAN (SOUTH)
L3.0	ELEVATION (ST PAUL STREET)
L3.1	ELEVATIONS (MAPLE STREET, KING STREET)
L3.2	ELEVATIONS (BROWNS COURT)

ARCHITECTURAL DRAWINGS - GARDNER KILCOYNE ARCHITECTS

A0	COVER SHEET
A1	LOWER LEVEL PLAN
A2	LEVEL 1 PLAN
A3	ROOF PLAN
A4	PROPERTY LINE DIAGRAMS
A5	BUILDING HEIGHT DIAGRAMS
A6	ELEVATIONS WITH MATERIAL KEYS
A7	WALL ASSEMBLIES/3D IMAGES
A8	EXTERIOR WINDOWS, DOORS, & CURTAIN WALLS
A9	SHADOW STUDIES
A10	SITE SECTIONS
A11	SITE SECTIONS

ELECTRICAL DRAWINGS - PEARSON & ASSOCIATES

E1.0	LOWER LEVEL PARKING GARAGE & EXTERIOR LIGHTING PLAN
E2.0	LEVEL 1 PARKING GARAGE & EXTERIOR LIGHTING PLAN
E3.0	LIGHT FIXTURES & FIXTURE SCHEDULE

APPENDIX: ARCHITECTURAL RENDERINGS

SOUTHWEST BUILDING PERSPECTIVE
WEST ENTRY PERSPECTIVE
MAPLE STREET PERSPECTIVE

UNIT & BED COUNT

	LOWER LEVEL	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5	LEVEL 6	TOTAL UNITS	TOTAL BEDS
1 BEDROOM	-	1	2	2	1	3	-	9	9
2 BEDROOM	-	4	9	9	8	4	-	34	68
3 BEDROOM	-	5	9	9	7	2	-	32	96
4 BEDROOM	-	2	4	4	4	3	-	17	68
4 BEDROOM LOFT	-	-	-	-	-	12	-	12	48
TOTAL UNITS	-	12	23	23	21	22	-	104	
TOTAL BEDS	-	32	59	59	54	76	-		289

FAR CALCULATION

TOTAL GROSS BUILDING AREA: 186,015 SF
TOTAL GROSS LOT AREA: 1.0 ACRE
186,015/43,560 = 4.27 FAR

LOT COVERAGE CALCULATION

TOTAL LOT COVERAGE = 38,243sf OR 88%
THIS INCLUDES THE BUILDING, SIDEWALK, PAVEMENT, BROWNS COURT
UTILITY VAULT, AND RETAINING WALL

PARKING COUNT

SOUTH (LOWER) PARKING LOT - 42 SPACES
NORTH (UPPER) PARKING LOT - 24 SPACES
TOTAL: 66 SPACES, INCLUDING 4 ADA

PROJECT TEAM

DEVELOPER and
CONSTRUCTION MANAGER

Eagles Place, LLC
599 Avenue D
Williston, VT 05495
(802) 864-5830
Bob Miller

CIVIL ENGINEER

Lamoureux & Dickinson Engineering
14 Morse Dr.
Essex Junction, VT 05452
802-878-4450
Andy Rowe

ARCHITECT

Gardner Kilcoyne Architects
147 Allen Brook Lane, Suite 103
Williston, VT 05495
802-655-0145
Liza Kilcoyne

STRUCTURAL
ENGINEER

Sharp Point Engineering, PC
4398 Route 22 • PO Box 40
Plattsburgh, NY 12901
518-324-2828
Jesse Ringer

MECHANICAL &
ELECTRICAL ENGINEERS

Pearson & Associates, Inc.
174 Thomas Lane • P.O. Box 610
Stowe VT 05672
802-253-9607
Alan Gould

FIRE PROTECTION CONSULTANT

RN Culver Consulting, Inc.
142 Sand Hill Road
Essex Junction, VT 05452
Ph: 802-878-8240
Dick Culver

LANDSCAPE ARCHITECT

Wagner Hodgson Landscape Architecture
7 Marble Ave
Burlington, VT 05401
802-864-0010
Keith Wagner



EAGLE'S LANDING APARTMENTS

ST. PAUL STREET, BURLINGTON, VERMONT

COVER SHEET

REVISED MEDIATION SETTLEMENT - January 2015

2P 14-0671 CA/MA

Mary O'Neil

From: Kimberlee Sturtevant
Sent: Tuesday, February 23, 2016 4:36 PM
To: 'Caulo, John'; Mary O'Neil
Cc: Scott Gustin; David E. White; Mark G. Hall
Subject: RE: 194 St. Paul Street

John,
Mary O'Neil asked me to follow-up with you regarding the expiration date of the permit for 194 St. Paul. Thank you for sending along the Findings of Fact, they were very helpful to review. As you may be aware, the Comprehensive Development Ordinance provides the following exceptions to permit time limits:

Except for projects subject to additional state or federal permitting jurisdiction, or which have been appealed to Vermont Environmental Court pursuant to the requirements of Article 12, there shall be no exceptions to the time limits specified in Sec. 3.2.9(d) and (e) unless longer or shorter time limits are specifically imposed as permit conditions of approval by the DRB at the time of approval.

For projects subject to additional state or federal permitting jurisdiction, the date of decision shall be deemed to be the latest date of decision of the state or federal permitting authority. For projects under appeal pursuant to the requirements of Article 12, the date of decision shall be deemed to be the date of the decision adjudicating such appeal.

CDO Sec. 3.2.9(f). Therefore, the question is whether there was additional state or federal permitting jurisdiction which would toll the commencement date. Pursuant to the Findings of Fact and Conclusions of Law for Application #4C0515-17 which you provided, state permitting jurisdiction did attach. The review was pursuant to 10 V.S.A. §6086b Downtown Development Findings in lieu of obtaining an Act 250 permit. Therefore, we would agree that the date was tolled until June 11, 2015, making the deadline for commencement June 11, 2016.

Thanks,

Kim

Kimberlee J. Sturtevant, Esq.

Assistant City Attorney
Office of City Attorney & Corporation Counsel
149 Church St., Room 11
Burlington, VT 05401
(802) 865-7121
(802) 865-7142 (TTY)
(802) 865-7123 (fax)

ksturtevant@burlingtonvt.gov

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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
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Ryan Morrison, CFM, Associate Planner
DATE: April 5, 2016
RE: ZP14-0753CA/CU; 210 South Union 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.

File: ZP14-0753CA/CU

Location: 210 South Union Street

Zone: I **Ward:** 6S

Date application accepted: March 9, 2016

Date of Permit Approval: Decision by DRB March 26, 2014

Applicant/Owner: Chad & Patsy Tyler

Request: Time extension for zoning permit to add one residential unit to existing historic carriage barn, increasing the total number of units on the property from four to five; add one surface parking space.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Review)

Background Information:

The applicant is seeking approval to extend the deadline to finish the conversion of existing barn space into a two bedroom apartment (raising the total number of dwelling units on the property from four to five). The project also includes the addition of one surface parking space. The applicant has provided a list of work done to-date (see attached email dated March 16, 2016). Multifamily uses are conditionally permitted in the I zone. The application received conditional use approval from the DRB on March 24, 2014. No changes to the project are included in this extension request.

Previous zoning actions for this property are noted below:

- **Zoning Permit 14-0931CA;** reroof barn with new rubber membrane roof. Approved April 30, 2014.
- **Zoning Permit 14-0753CA/CU;** convert existing barn space into a 2-bedroom apartment; increasing the total number of dwelling units to five. Also add one surface parking space. Approved March 26, 2014.
- **Zoning Permit 08-0446CA;** Pave shared walkway with 204 South Union Street. Approved December, 2007.
- **Zoning Permit 02-385;** Renovation of four unit residential apartment building including addition of shed dormers on north and south elevations. Approved March, 2002.

- **Zoning Board of Adjustment review** to convert a single family home into a four apartment house, including indoor parking (barn) for four cars. Approved June, 1966.

Recommendation: Consent approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications, Permits, and Project Reviews

Sec. 3.2.9 Zoning Permits:

(d) Time Limit on Zoning Permits

Notwithstanding (e) and (f) below, a zoning permit shall become invalid unless the work or action authorized commences within one (1) year after the date of final decision. All work or action authorized there under shall be completed, and a Final Zoning Certificate of Occupancy received, within two (2) years of the date of decision unless a written extension of time not to exceed one (1) year is granted in advance by the administrative officer. Extensions of time for a zoning permit issued in connection with a conditional use or variance shall require approval by the DRB after a public hearing.

The application for a time extension is subject to review by the Development Review Board as a Conditional Use application. The request for an extension was filed in a timely manner, and eligible for consideration under this standard. **Affirmative finding.**

II. Conditions of Approval

1. All conditions of ZP14-0753CA/CU not herein altered shall remain in effect.
2. Standard permit conditions 1-15 (including construction completion date no later than March 26, 2017).

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.



Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415

Phone: (802) 865-7188

Fax: (802) 865-7195

www.burlingtonvt.gov/pz

RECEIVED

MAR 09 2016

DEPARTMENT OF
PLANNING & ZONING

Time Extension Request

Use this form to request a one year time extension on any valid zoning permit.

Permits that were administratively approved can have time extension requests administratively reviewed and there is no fee.

Permits that were reviewed by the Development Review Board, require a public meeting and there is a \$150 fee for this request to cover time and expenses for public notices.

PROJECT LOCATION ADDRESS: 210 South Union Street

PROPERTY

OWNER*: Chad & Patsy Tyler

*If condominium unit, written approval from the Association is also required

OWNER'S

REPRESENTATIVE: _____

POSTAL ADDRESS: 491 St. Albans Road

POSTAL ADDRESS: _____

CITY, ST, ZIP: Swanton VT 05488

CITY, ST, ZIP: _____

DAY PHONE: 802-252-7426

DAY PHONE: _____

EMAIL: Cpl.tyler@comcast.net

EMAIL: _____

SIGNATURE: [Signature]

SIGNATURE: _____

I am the owner and I duly authorize the owner's representative (if applicable) to act on my behalf for all matters pertaining to this zoning permit application.

Zoning Permit Number: #14-0753CA

Summary of Approved Permit Description: Add one residential unit to existing accessory structure; increasing total units for property from four to five; add one surface parking space

Summary of current status of project: Awaiting decision from DPW on a sprinkler system to close up walls and ceilings. We need to complete the interior finish, build the deck on south elevation and paint.

- Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or visit the office in the lower level of City Hall, 149 Church Street.

Office Use Only:

Check No. 2005

Amount Paid

\$150.-

Zoning Permit #

14-0753CA/CL

February 19, 2016

RECEIVED
FEB 22 2016

To:
Burlington Department of Planning and Zoning
149 Church Street
Burlington, VT 05401

DEPARTMENT OF
PLANNING & ZONING

Thank you for your courtesy letter of January 27th to remind us of the impending expiration of our Zoning Permit #14-0753CA. It's hard to believe that we have been at work for almost two years already.

We would like to request a time extension on our permit as we still have a way to go to finish the project for a number of reasons. Mainly due to a rather steep learning curve on our part and the inherent difficulties of installing 21st century building codes into a 19th century structure.

The primary reason is that we seem to have entered a gray area with the DPW. First off we cannot state enough how helpful they were in getting us through the DRB application process and in issuing our building permit. As first time developers of our first property they were all very patient and helpful with us. However, last year the new inspector initiated a visit to our property with the Fire Marshall. He concluded that we now need to install a sprinkler system in the building. This has thrown the project into a catch-22 situation that we are still attempting to resolve. The exact decision on the system seems to be in limbo between the Fire Marshall, the Building Inspector and the Sprinkler Installer with each saying the other makes the call. Our entire project now hinges on this as we are hearing estimates ranging from \$15,000 to \$90,000 depending on what is required. We lost our builder, plumber and electrician as they had to move on to other jobs because the possible installation of the system doesn't allow us to close up our walls or ceilings. I have been chasing quotes from sprinkler companies for months now and I still have yet to get one in writing as they don't want to be on the line for quoting a system that may not meet code. In the interim I have been doing what work I can when my builder is free but I'm now reaching the point where that will also end.

Secondly we discovered that our engineer had not followed through with Megan Moir on the final design of our surface water mitigation system. After spending thousands of dollars to try and trap all the water on our property we somehow ended up with an overflow onto the city sidewalk after heavy rain events. Megan rightly wants to correct the issue but it seems we will be on the hook for many thousands again to help her do so.

The prospect of the sprinkler system and water mitigation on top of the excavator going woefully over budget during our first phase of construction has our heads spinning. Without more time there would be no way for us to generate the funds needed to finish things up in any case.

It appears that our only recourse at this point is to appeal the DPW decision with the City Engineer which we really don't want to do as we don't want to appear like we are trying to "go over their heads". However, the sprinkler issue was brought up repeatedly during the application process and was not included as a condition of our building permit and the burden this creates a full year into our project needs to be questioned. We are fine with any other extra fire mitigation we can afford but a potential \$90,000 expense is beyond our means, so I will write a letter of appeal this week. We have been in steady contact with Megan and she will do another site visit this spring to see how we should proceed with the water issue and figure out our responsibility for the work.

We are obviously disappointed that we even have to ask for this extension. The barn is really starting to look fantastic and it's very dispiriting to be within sight of completion and still have so many unresolved issues. It is particularly frustrating as we spent years preparing and researching this project just so we wouldn't get caught up in such a dilemma.

If there is anything else you need to support your decision, please don't hesitate to contact us and we would welcome you for a site visit any time you are available.

Sincerely,

Chad and Patsy Tyler
cpl.tyler@comcast.net

Ryan Morrison

From: Chadwick Tyler <cpl.tyler@comcast.net>
Sent: Wednesday, March 16, 2016 9:28 PM
To: Ryan Morrison
Cc: Chad Tyler
Subject: Re: Permit extension - 210 South Union Street

Thank you Ryan,

So far...

- Parking lot access created for 204 South Union.
- Large soft maple removed.
- Barn was jacked, perimeter drains dug and the old foundation removed.
- New foundation was poured and the barn reset and jacked plumb.
- New structural steel added in basement and on existing truss member in garage.
- Queen trusses replaced and added to in apartment, new floor joists and new flooring and decking in garage.
- Power and AV conduit excavated and brought up from South Union.
- New water line was brought up from the house.
- Two sidewalk panels were replaced at the street and the conduit buried.
- New gas line brought up from the street and a new line extended to barn.
- Waste line dug and tied into existing house line.
- Two stormwater cisterns installed in yard.
- Paving, grading and deck footings installed.
- Drains and waste lines stubbed in and basement floor poured.
- Basement walls insulated and framed.
- Gas and electric meters installed.
- Basement wiring and plumbing roughed in.
- Basement walls clad.
- Forced air furnace installed in basement.
- Windows and doors installed.
- Siding and trim repaired and replaced.
- Garage ceiling removed and existing apartment floor joists sistered or replaced.
- Garage framed, walls repaired and clad.
- Apartment ceiling dropped and framed with new joists.
- Apartment walls framed and blocked, stairway framed.
- Apartment radiant flooring installed and HW tank purchased.
- Apartment flooring installed.
- Plumbing rough in prepped

The plumbing rough in should happen any day as my plumber said he would do it last week. I was going to rough in the electrical next and then I pretty much have to stop until I get a decision on the sprinkler. If it dra out I figure I can get the deck built and possibly paint this summer as well.

Is there anything specific we should bring to the meeting?

Thanks for your help, if you need anything else just let us know.

Chad and Patsy

On Mar 16, 2016, at 3:24 PM, Ryan Morrison wrote:

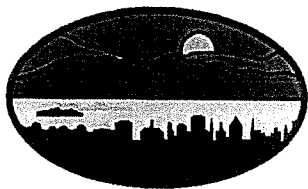
Hi Chad & Patsy.

I am processing your permit extension request for the additional dwelling unit right now. As you may be aware, the DRB has to rule on this because it originally went through their process. It will be heard on April 5th, at 5 p.m.

I am hoping that you can put together a list of the work that has been done so far on the permit. Doesn't have to be too specific, but should show that work has been ongoing.

That's all I'm looking for at the moment. Let me know if you have any questions. Thanks!!

Ryan Morrison, CFM
Associate Planner
City of Burlington
802-865-7190



**ZONING PERMIT
CERTIFICATE OF APPROPRIATENESS**

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 2/18/2014

Appeal Expiration Date: 4/25/2014

Project Location: 210 SOUTH UNION STREET

District: I

Owner: Chad Tyler

Address: 210 SOUTH UNION ST Unit 3

Burlington VT 05401

Ward: 6

Tax ID: 049-3-194-000

Project Type: Residential - Change of Use

Project Description: Add one residential unit to existing accessory structure, increasing total units for property from four to five; add one surface parking space.

Construction Cost:	\$194,740	Lot Size (Sq Ft):	9,801
Net New Habitable Sq Ft:	984.00	Net New # of Housing Units:	1
Existing % Lot Coverage:	34.34	Existing # of Parking Spaces:	4
Proposed % Lot Coverage:	34.34	Proposed # of Parking Spaces:	5
Net New % Lot Coverage:	0.00	Required # of Parking Spaces:	5

Zoning Permit #: 14-0753CA

Decision By: Development Review Board

Level of Review: 2

Decision: Approved w/ Pre-Release Conditions
See Requirements for Permit Release

Zoning Administrative Officer

Decision Date: March 26, 2014

Project File #: 14-0753CA

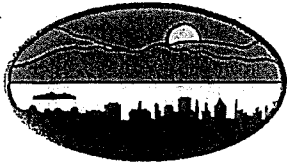
An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division until 4 pm on April 25, 2014.

Fee Type	Amount	Paid in Full	Balance Due:	\$876.33
Application Fee:	\$499.48	Yes	Date Paid:	_____
Development Review Fee:	\$876.33	No	Check #	_____
Impact Fee:	Not Applicable			

Building Permit Required: **Yes**

Permit Received by: _____

Date: _____



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level II – Conditions of Approval

ZP #: 14-0753CA

Tax ID: 049-3-194-000

Issue Date: March 26, 2014

Decision: Approved w/ Pre-Release
Conditions

Property Address: 210 SOUTH UNION STREET

Description: Add one residential unit to existing accessory structure, increasing total units for property from four to five; add one surface parking space.

Project Permit Conditions:

1. Impact fees, based on the new use of the submitted square footage (giving credit for existing storage use) shall be as follows:

SF of Project

Department	<u>Residential</u>		<u>Offices & Other (Storage)</u>	
	Rate	Fee	Rate	Fee
Traffic	0.184	181.06	0.641	630.74
Fire	0.211	207.62	0.188	184.99
Police	0.043	42.31	0.333	327.67
Parks	0.704	692.74	0.397	390.65
Library	0.436	429.02	0.000	0.00
Schools	0.911	896.42	0.000	0.00
Total	2.489	\$ 2,449.17	1.559	\$ 1,534.05

Difference: \$ 915.12

Allocation by department:

Enter Total
Fee:

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.184	67.65
Fire	0.211	77.58
Police	0.043	15.81
Parks	0.704	258.84
Library	0.436	160.30

Schools	0.911	334.94
Total	2.489	\$ 915.12

Per Section 3.3.7, **Time and Place of Payment**, Impact fees must be paid to the city's chief administrative officer/city treasurer according to the following schedule:

(b) Existing buildings: Impact fees must be paid *prior to issuance of a zoning permit*, or if a building permit is required, *within thirty (30) days of issuance of the building permit*.

Impact fee payments may also be accepted at the Planning and Zoning Office.

2. It will be the applicant's responsibility to make sure that he has all legal access required both for pedestrians and vehicles. It will also be the applicant's responsibility to make sure that his use of shared access, both during construction and after construction, will not violate rights of others who share those access rights. Nothing in our approval shall be construed as modifying in any way the respective access rights of the applicant and others.
3. Lighting spec sheets for any fixtures proposed for this development shall be provided to staff for review and approval **prior to release of the zoning permit**.
4. Heating vents will need to be illustrated on revised building elevations. Venting will need to be off the primary façade and located on secondary facades.
5. The guard rail at the westerly edge of the new parking space shall sufficiently screen any headlamp glare from spill into the existing primary residential structure. Conversely, a row of hedge or landscaping may be appropriately substituted for the same purpose in that location. The choice shall be forwarded to staff for review and approval **prior to release of the zoning permit**.
6. The proposed deck will require a barrier rail. Its appearance and illustration on a revised elevation drawing will be a requirement **prior to release of the zoning permit**.
7. Lot coverage shall not exceed existing.
8. The applicant will need to define any change to the location of snow storage, or method of snow removal with the addition of a new parking space **prior to release of the zoning permit**.
9. The location of the mailbox for the new unit shall be defined and illustrated on site plans/elevations, as appropriate **prior to release of the zoning permit**.
10. Zoning permits are valid for 2 years from the date of approval. Any request for an extension would have to come back before the DRB.
11. Sheathing shall match existing.
12. **Prior to release of the zoning permit**, the location for trash/recycling shall be defined. Receptacles/dumpsters, if located on the exterior of the structure, will need to be screened from public view. The method of screening shall be submitted for review and approval.
13. **Prior to release of the zoning permit**, the applicant shall be required to provide proof of water and sewer capacity from the City Engineer.
14. A state wastewater permit is likely to be required, and is the obligation of the applicant/owner to secure.
15. Parking will be restricted to the identified parking spaces on the site plan.
16. The applicant shall retain the loft door opening and distinctive barn trim.
17. Should the applicant determine after consulting with the building inspector that door and window openings on the north elevation need to be moved to comply with building code requirements, the applicant will submit revised elevations and site plan for review and approval by staff.
18. Standard permit conditions 1-15.

Standard Permit Conditions:

1. **Other City, State or Federal Permits.** The owner is solely responsible for obtaining all other required City, state and federal approvals. Failure to do so may invalidate this Zoning Permit and result in enforcement actions.

Note: All projects receiving a Zoning Permit also require a Construction Permit or written confirmation that a Construction Permit is not required from Department of Public Works-Inspection Services Division (DPW-ISD). All construction permits must be closed out by way of approved inspections by DPW-ISD before issuance of a Unified Certificate of Occupancy (UCO) by the Code Enforcement Office as per Condition 3, below.

2. **Time Limits.** This zoning permit shall become invalid unless work or action authorized by the permit is commenced by **March 26, 2015**. The owner shall complete the approved project and obtain a UCO (combined Zoning and Building certificates of occupancy, still applicable even if a zoning or building permit was not required) by **March 26, 2016**, or be subject to enforcement actions.

These time limits are binding upon the owner unless one of the following apply: a) longer or shorter time limits are specifically imposed by a condition of approval; or b) the time limits are tolled by additional state or federal permitting for the project or by an appeal; or c) an extension of time has been granted. An extension of time must be requested in writing PRIOR to the expiration of the permit. If the owner has enacted the permit and it lapses, the owner may be responsible to obtain a new zoning permit, if required, which shall be subject to the current Comprehensive Development Ordinance (CDO).

3. **Unified Certificate of Occupancy (UCO):** It shall be unlawful to use or occupy (or allow the use or occupancy of) any land or structure or part thereof which has been created, changed, converted, or wholly or partly altered or enlarged in its use or structure without a UCO.

If the project is partially completed, meets “prior to issuance of a UCO” conditions of approval, meets all health and safety standards, and all municipal fees for the project are paid, a Temporary Zoning CO may be requested and issued. **Upon completion of the project**, applicant shall request and obtain a Final UCO from the Code Enforcement Office (located at 645 Pine Street). Additional information on how to request and obtain this UCO is available at this office. **Failure to obtain a certificate of occupancy** places the property in violation of the CDO and is subject to enforcement.

In addition, **Failure to obtain a UCO within the time limits above is subject to** “after the fact” fees ranging from \$75 - \$1500 (in addition to the UCO fee).

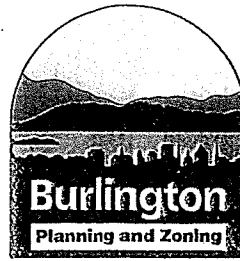
4. **Project Modifications.** The project shall be completed as shown on the plans, which have been stamped “approved” and dated by the administrative officer. The project shall not deviate from the approved plans or conditions of approval without prior written approval from the administrative officer.
5. **Property Inspection.** By acceptance of this permit, the owner authorizes City Officials and/or their authorized representatives, access to the subject property for the purpose of observing work in progress, inspecting and/or measuring the property or improvements until such time the project has been issued a Final UCO.
6. **Completion and Maintenance of Improvements and Landscaping.** Owner or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Owner agrees to maintain all improvements in a satisfactory condition. Any

landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.

7. **Off-Site Drainage.** Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties including but not limited to the public Right of Way.
8. **Errors.** The owner is solely responsible for the accuracy of all information contained in the Zoning Permit application. Any errors contained therein may invalidate the Zoning Permit and may result in enforcement action by the City.
9. **Transfer of Ownership. All zoning permits run with the land.** In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.
10. **Violations/Penalties.** A violation of any of the conditions of this permit or of any provision of the CDO may result in enforcement actions, including but not limited to a penalty of up to two hundred dollars (\$200) per day, municipal tickets, and/or additional permitting fees.
11. **Incorporation and Reference of All Plans Presented.** This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant on the subject application to the extent that they are not in conflict with other stated conditions or regulations.
12. **For Properties Involved in Boundary Disputes.** Boundary disputes are not within the jurisdiction of the administrative officer or the Development Review Board. When an application is submitted and the boundary of the subject property is called into question, the boundary will be determined based upon the best evidence available, for instance a survey or other official document. If a permit is issued and contrary evidence is presented to the City after the fact, such as a survey or Superior Court ruling with respect to the boundary lines, the permit may be amended or revoked by the City. If the permit is amended or revoked, owner shall bear all costs to remedy the situation, including removal of the structure(s) if necessary, that is if the structure(s) is/are unable to meet the requirements of the CDO and receive an amended permit in light of the actual boundary line.
13. **Damage to City Property.** The Owner is responsible for any damage to the City of Burlington's property, including but not limited to its right-of-way, sewer/water lines, etcetera, that occurs during the site improvements authorized by this permit. If damage occurs, the Owner shall restore the property to a condition equal to or better than the condition of the property prior to such damage.
14. **City Rights-of-Way and Ownership.** Permit approval does NOT authorize any work to be undertaken within the public ROW. Any work in the ROW can only occur with prior authorization by DPW and City Council, as required. Any work or improvements that are taken within the City's right of way does not diminish the City's ownership or authority regarding said right of way.
15. **Liquor License Required.** An approval of any use that includes the sale of alcoholic beverages is contingent upon the receipt of a liquor license from the City of Burlington or the State of Vermont, whichever is applicable.

Burlington Development Review Board
149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/PZ
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

Austin Hart, Chair
Jim Drummond
Michael Long
Brad Rabinowitz
Missa Aloisi
Jonathan Stevens
Bob Schwartz
Alexandra Zipparo, (alternate)
Israel Smith, (alternate)



Burlington Development Review Board
Findings of Fact
Deliberative Hearing Monday, March 24, 2014

Board Members Present: Austin Hart, Michael Long, Brad Rabinowitz, Bob Schwartz, Jonathan Stevens, Jim Drummond, Ali Zipparo.

Staff members present: Ken Lerner, Scott Gustin, Mary O'Neil.

File: ZP 14-0753CA

Location: 210 South Union Street

Zone: Institutional **Ward:** 6

Date application accepted: February 18, 2014

Applicant/ Owner: Chad and Patsy Tyler

Request: Add one residential unit in existing historic carriage barn, increasing total units from 4 to five; add one surface parking space.

Background:

- **Zoning Permit 08-446CA;** Pave shared walkway with 204 South Union Street. Approved December, 2007.
- **Zoning Permit 02-385;** Renovation of four unit residential apartment building including addition of shed dormers on north and south elevations. Approved March 2002.
- **Zoning Board of Adjustment review** to convert a single family home into a four apartment house, including indoor parking (barn) for four cars. Approved June 1966.

Overview: 210 South Union Street is a four unit residential building with an accessory structure/carriage barn; both listed on the National Register of Historic Resources within the South Union Street Historic District. The owners have been working with engineers and a historic restoration contractor to address structural and drainage issues with the existing carriage barn, situated behind the primary structure on a rising grade. The change-of-use is proposed to be accompanied by significant structural work to replace the barn foundation and correct wall deflection, as well as to address water runoff and infiltration. An EPSC plan accompanies the request.

As previously approved, four parking spaces are located within the carriage barn to meet the conditions of the ZBA approval of 1966. As required to meet current parking standards for the addition of another dwelling unit, a new (single) parking space is proposed outside the barn in an area that is currently a failed stairway.

The requested residential unit is proposed at this time for the owners' own use.

Evidence Presented:

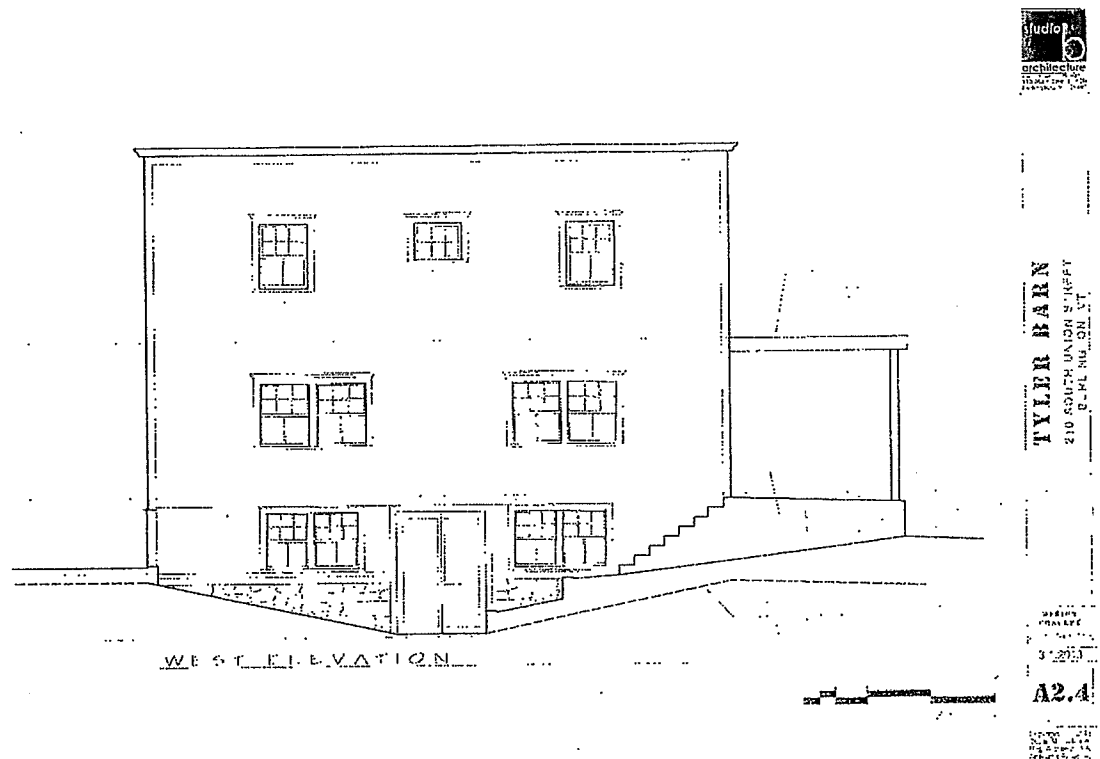
The Board examined the materials submitted in support of this request.

I. Minutes

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

II. Motion by Austin Hart:

I move that the Board approve the application and adopt the following findings and conditions:



III. Findings

Article 3: Applications, Permits, and Project Reviews

Part 3: Impact Fees

Section 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Sec. 3.3.4.

At present, the carriage barn is accessory to the existing residential units. As a new dwelling unit will be created, Impact Fees will apply. The applicant will be required to pay fees, based upon the square foot calculation of new use, giving credit for the existing use. **Affirmative finding as conditioned.**

Section 3.3.7 Time and Place of Payment.

Impact fees must be paid to the city's chief administrative officer/city treasurer according to the following schedule:

- (b) Existing buildings: Impact fees must be paid prior to issuance of a zoning permit, or if a building permit is required, within thirty (3) days of issuance of the building permit.*

Impact fee payments may also be accepted at the Planning and Zoning Office.

Affirmative finding as conditioned.

Part 4: Site Plan and Design Review

(a) Site Plan Review

Site Plan Review shall be required for the approval of all development subject to the provisions of this ordinance with the exception of single-family dwellings not otherwise subject to the requirements of Design Review.

(b) Design Review

210 South Union Street is within the Design Review Overlay, Section 3. The development is also subject to the provisions of Article 5, Part 4 – Special Use Regulations, and is Minor PUD as conversion of an existing carriage barn (Article 11.) See Articles 5, 6 and 11.

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 (a)

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 the following general standards:

- 1. The capacity of existing or planned community facilities;*

There is no anticipated impact to the capacity of existing or planned community facilities. **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;*

This is an institutional zoning district, which includes other multi-family residential buildings. In that manner, the addition of another dwelling unit presents little impact. Affirmative finding.

- 3. Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated;*

The existing access driveway to this property is off Maple Street. All current building residents use this access. The installation of a single parking space adjacent to this structure will not have a measureable impact on the traffic and roads in the vicinity. **Affirmative finding.**

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

Development will be required to meet Stormwater and Erosion Prevention control measures as defined by the City Stormwater administrator, energy efficiency standards required by Burlington Electric and the State of Vermont, and all building and life safety code as directed by the fire marshal and the building inspector. **Affirmative finding.**

4. The utilization of renewable energy resources;

The retrofitting of the structure will increase the thermal efficiency of the building, as well as utilize an existing resource rather than spur new building construction and the expenditure of additional materials and labor. This effort cumulatively will result in a positive capture of “embodied energy”, reducing material consumption and waste generation. **Affirmative finding.**

and,

In addition to the General Standards specified above, the DRB;

5. shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible;

The lot can accommodate another residential dwelling unit per Table 4.4.1-1. See above. **Affirmative finding.**

6. in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.

Not applicable in the Institutional zoning district.

7. may control the location and number of vehicular access points to the property, including the erection of parking barriers.

No new vehicular access points are requested. A guardrail/barrier is included at the end of the new parking space, as this leads to the new stairway/walkway across the yard. **Affirmative finding.**

8. may limit the number, location and size of signs.

No signs are requested. Any signage, other than those specifically exempt from zoning review, will require a separate sign permit. Not applicable.

9. may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

The particular grading change, which will include construction of a retaining wall to support the new parking space, will place that vehicle at a height that may inflict headlamp glare onto the existing primary residential structure. A guard rail is included within the plan. If the barrier rail is not capable of shielding the headlamps, a row of landscaping (or a barrier rail that precludes light spill) is recommended to screen any light spill. **Affirmative finding as conditioned.**

10. *may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.*

Zoning permits are valid for 2 years from the date of approval. Any request for an extension would have to come back before the DRB. **Affirmative finding as conditioned.**

12. *may specify hours of operation and/or construction to reduce the impact on surrounding properties.* Typically acceptable hours of construction are Monday-Friday 8:00 am – 6:00 pm. Saturday hours are limited to interior work only. **Affirmative finding as conditioned.**

11. *may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions.*

This is a statutory requirement.

14. *may consider performance standards, should the proposed use merit such review.*

This is at the discretion of the DRB.

15. *may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

Also at the discretion of this board.

Article 4: Zoning Maps and Districts

Part 4: Base Zoning District Regulations

Section 4.4.4 Institutional District

(a) Purpose

The Institutional District (I) as illustrated in Map 4.4.4-1 allows for an increased development scale and intensity than would typically be found in the adjacent residential districts to support continued growth and flexibility of the city's major educational, and health care institutions within their respective institutional missions. New development is intended to be sensitive to the historic development pattern of the existing campuses as well as the surrounding residential neighborhoods.

...Sites should be designed to be pedestrian friendly and encourage walking between buildings. Where parking is provided onsite, it is intended to be hidden behind, to the side, within, or underneath structures.

The existing site includes vehicular parking within one level of the carriage barn. The applicant proposes a net increase in one residential unit, replacement walkway between buildings, and one parking space on the side of the (existing) accessory structure. **Affirmative finding.**

Table 4.4.1-1 Dimensional Standards and Density

Institutional zone	20 units per acre	Max. Lot Coverage 40%	Setbacks			Max height: 35'
			Front: Min. 15'	Side, 10% lot width	Rear; 25% of lot depth	
210 South Union Street	9801/43560=.225 x 20=4.5, or 5 units allowable	No change to existing	New deck meets 10% side yard setback.			Will not exceed 35'; however the barn on the

				new foundation will not exceed the height of the existing primary structure (Sec. 5.2.6 (b) 1.)
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Affirmative finding.

Article 5: Citywide General Regulations

Part 1: Uses and Structures

(c) Permitted Uses

Appendix A: Use Table – All Zoning Districts

Attached dwellings – multi-family (3-more) is a conditional use in the Institutional zone. The property received approval from the ZPA in 1966 to convert the single family home to a four unit apartment dwelling.

Four residential units exist; a fifth is proposed. See Conditional Use standards, above.

Part 2: Dimensional Requirements

Section 5.2.3 Lot Coverage Requirements

Although there will be a “swap” of lot coverage in removal of walkways and steps, total lot coverage is proposed to remain the same. See proposed site plan, with breakdown of coverage. **Affirmative finding**

Section 5.2.4 Building Area Calculation

Not applicable.

Section 5.2.5 Setbacks

A proposed deck will meet the required 10% side yard setback requirement. The new parking space will meet the required 5’ setback. (Sec. 5.2.5. (b) 4.) **Affirmative finding.**

Section 5.2.6 Building Height Limits

The carriage barn will effectively be raised approximately 12” on the new foundation. Scaled from plans the building will be about 22 ‘+/- from grade as measured from the garage door. The proposed new building height will not exceed the limitations of this section. **Affirmative finding.**

Section 5.2.7 Density and Intensity of Development Calculations

See Table 4.4.1.12, above. **Affirmative finding.**

Sec. 5.4.8 Historic Buildings and Sites

210 South Union Street, including the carriage barn, is listed on the National Register of Historic Resources within the **South Union Street Historic District**. See attached information sheet.

Findings of Fact

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The original garage use is proposed to be continued; however 2nd story storage space will be converted to residential use. The applicant has proposed new window openings on the west (one small, central window), south (three new windows, a door and a deck), east (three new window openings, replacing an existing “loft” door), and the north (One new paired unit; a smaller replacement window and door.) The number of new window openings is certainly understood given the new use, however some alteration could be considered reversible in the future, based on submitted photographs. Staff recommends retention of the characteristic “loft” window opening on the east elevation, especially with the block and tackle feature still extant on the projecting beam. This opening in particular helps retain the original use and character of the carriage barn. The building inspector will have to be consulted as to the proposed new building openings on the north elevation, as this sits close to the property boundary line.

The deck may be considered reversible.

Heating vents from the Rinnai heaters should be located away from the primary (west) elevation, and noted on elevation plans. **Affirmative finding as conditioned.**

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

Currently the foundation bulges, the walls are in deflection and the attached concrete stairway has pulled away from the building. The owner /applicant propose to lift the building onto a new foundation, which will be faced with stone, to replicate the existing support structure. A new firm foundation will give a new lease on this building's life. The moderate increase in foundation height (approx.. 12”) will not noticeably affect the historic character of the property, especially since the existing foundation has begun to bulge and fail. Plans define a concentrated and determine effort to retain those characteristics distinctive to this property.

Some alteration to window arrangement may be considered; however character defining components like the loft door opening should be retained. **Affirmative finding as conditioned.**

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

Other than additional window openings and a new deck, no conjectural features are proposed. Proposed alterations are consistent with efforts to install habitable space into a building that previously was limited to vehicular and residential storage. **Affirmative finding.**

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

Probably once nothing more than a dirt access, the driveway from Maple Street has evolved into a more intensive access not only to this property but as an access to abutting property parking as well. It is no longer probable that a carriage would make this trip; but it may be anticipated that a vehicle would now park adjacent to the barn. In that manner, the proposed new parking space reflects the evolution of this structure from housing earlier transportation modes to modern vehicles. In the location of the new parking space, it also conforms to the guidance of *Purpose* of the Institutional Zoning District (See 4.4.4 (a), above. **Affirmative finding.**

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

The applicant proposes retention, or replication of existing siding, trim, and detailing of the building. Of special note are the simple but elegant window casings, proposed to be retained or replicated. The hay loft access door (east elevation) is a particular distinctive feature of the structure, and is recommended for retention. With the level of proposed new openings, this feature is an original worth keeping to honor the past. As this is the (interior) location of an entrance stairwell, the proposed highly aligned windows are not required, and glazing infill of the loft door would be a particularly important effort to capture and retain that building feature. (The block and tackle may come in handy to move furniture to that floor as well.) **Affirmative finding as conditioned.**

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

The applicant proposes a poured concrete foundation, but it is proposed to be faced with stone to be sensitive to the existing stone foundation. Siding and trim are proposed to match existing. **Affirmative finding as conditioned.**

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

The building is proposed to be lifted to address the foundation failure, but placed back on a new secure base. Although a significant physical treatment, it will assure the long continuing life of the building. **Affirmative finding.**

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

Proposed site work includes the burial of new utility lines, removal of assorted existing paths and construction of a retaining wall adjacent to the barn. If any archaeological resources are identified, the city and state shall be notified for identification and arrangement for appropriate documentation and archiving. **Affirmative finding as conditioned.**

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

The opportunity to add an additional residential unit is a community wide positive action; however a dual obligation is for the protection and preservation of Burlington's historic resources. It is possible to retain the existing window/loft openings on the primary (east) elevation, with new window infill within those spaces. Window openings on secondary elevations may have greater flexibility in alteration. Such an effort will provide valuable, and tangible evidence of Burlington's past, while adapting to a new use; both value added community efforts. **Affirmative finding as conditioned.**

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

If the building openings are sensitively addressed and sheathing, trim and foundation repaired, the conversion of the upper floor to a new residential unit will minimally alter the building. With supporting photographs, all may be considered reversible.

The deck, as a modern appendage, may also be considered “reversible.” **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

The yard slopes significantly up at the east end of the parcel. This has been the root cause of water-related damage to the foundation of this building, and poor water control/infiltration as the lot progresses to the west and South Union Street. This effort, which will include significant engineering assistance for erosion prevention, sediment control, water infiltration, and structural repair will address issues that have unhappily caused building damage and stormwater runoff that has added to the headaches on South Union Street. The proposed construction of a retaining wall (replacing a concrete stair/walkway along the south edge of the carriage barn) will augment the structural foundation repair and provide a surface for the new parking space. The EPSC plan has already received the approval of the city stormwater engineer.

Affirmative finding.

(b) Topographical Alterations:

Some grading will be included in the foundation repair and retaining wall. This grading plan has been accepted by the city stormwater engineer as part of the submitted EPSC plan. Any structural wall over 3’ will require the additional approval of the city building inspector. **Affirmative finding as conditioned.**

(c) Protection of Important Public Views:

Not applicable.

(d) Protection of Important Cultural Resources:

Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city’s or the region’s pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

See Section 5.4.8, above.

(e) Supporting the Use of Renewable Energy Resources:

See Sec. 3.5.6 (a) 4, above.

(f) Brownfield Sites:

None identified.

(g) Provide for nature's events:

The applicant will need to address any change of snow storage location with the construction of a new parking space. **Affirmative finding as conditioned.**

(h) Building Location and Orientation:

Carriage building is existing. Not applicable.

(i) Vehicular Access:

No change.

(j) Pedestrian Access:

The applicant proposes removing a walkway that runs from the existing primary house to the carriage barn, and replacing it with a (pervious) path for the residents of the front house. Access to the carriage barn exists via the rear gravel drive and small entry pad. **Affirmative finding.**

(k) Accessibility for the Handicapped:

Not required, but encouraged.

(l) Parking and Circulation:

This is a shared use parking district; therefore 1 parking space is required for each residential unit. 5 units = 5 parking spaces. The ZBA approved the four parking spaces within the carriage barn in 1966, so this application only spurs the need for one additional parking space. This is provided on the south side of the building, s the current location of a stairwell/walkway that is proposed to be removed. All circulation/entrance drives are proposed to remain as existing. **Affirmative finding.**

(m) Landscaping and Fences:

As previously noted, some screening should be provided along the guardrail of the stairs leading from the new parking space to screen headlamp spill. This may be either a solid barrier for the railing, or installed landscaping. The applicant will need to define prior to release of the permit. **Affirmative finding as conditioned.**

(n) Public Plazas and Open Space:

There are no public plazas or identified public open space. There remains a significant rear yard which could be enjoyed by occupants of either residential building. **Affirmative finding.**

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

No lighting is defined. The applicant shall provide a lighting spec sheet for any fixture to be installed as part of this project. **Affirmative finding as conditioned.**

(p) **Integrate infrastructure into the design:**

Revised building elevations will need to detail the location of the gas meter, heater and dryer vents. The mailbox location and the location for trash and recycling have not been identified on plans. All must be noted on elevations and/or site plans, as appropriate.

New utility services are proposed to be undergrounded. **Affirmative finding as conditioned.**

PART 3: ARCHITECTURAL DESIGN STANDARDS

Sec. 6.3.2 Review Standards

(a) **Relate development to its environment:**

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to their context. They shall integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity.

The following shall be considered:

1. Massing, Height and Scale:

The new foundation may raise the building approx. 12" higher than existing. No changes are proposed to the scale or massing of the carriage barn. **Affirmative finding.**

2. Roofs and Rooflines.

No change proposed. **Affirmative finding.**

3. Building Openings

A pedestrian door exists on the north elevation of the carriage barn. A full size garage door is present on the south elevation.

As the residential unit is proposed for the second floor, the unit would not be handicap accessible; however the doorway may be installed to meet "visibility" standards. The applicant shall consult with the building inspector relative to minimum standards to meet any ADA requirements.

Window openings shall maintain consistent patterns and proportions appropriate to the use. The window pattern should add variety and interest to the architecture, and be proportioned to appear more vertical than horizontal.

This is an existing carriage barn now proposed for mixed (garage and residential) use. The character about the building is worthy of recognition; part of which is related to the window openings. See Section 5.4.8 for greater discussion.

Buildings placed on a side or rear property line where no setback is required shall contain neither doors nor windows along such façade so as not to restrict future development or re-development options of the adjacent property due to fire safety code restrictions. Otherwise they should be setback a minimum of 5-feet.

The carriage barn appears to sit on the northerly property boundary. The applicant has proposed new window openings at the second floor level, which may be prohibited by this standard and building code.

There is an existing door on the north elevation, with a very small setback from that property line. It appears that this would be a primary access for the residential unit.

Review of the appropriateness and acceptability of these window openings and replacement access door relative to building code by the building inspector will be a condition of approval.

Affirmative finding as conditioned.

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8, above.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

Although the existing carriage barn sits behind the principle structure, it is still visible from the street and retains a distinctive character of its own. The lower basement carriage doors are proposed to remain, the middle floor will continue to garage vehicles, but the upper floor is scheduled for alteration to facilitate conversion to a new residential unit. The arrangement and size of windows, including details around window and door openings are character defining features of the historic barn. While insertion of a new unit would certainly provide the benefit of additional housing (with the added advantage of significant investment in the structure), every effort should be made to retain those characteristics that singularly belong to the barn. See Section 5.4.8 for further discussion. **Affirmative finding as conditioned.**

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

Existing sheathing and trim will be matched in the new development. Windows are proposed to be Marvin, however it is not clear if they are composite or clad wood. The applicant will need to define to determine the appropriateness of the selection. Staff advises the retention of the loft opening on the east elevation to retain the original feature of the building and the overall character of the barn. Perhaps it could be infilled with glazing, and the loft door remaining attached and operable. See Section 5.4.8 for further discussion. **Affirmative finding as conditioned.**

Findings of Fact

(f) Reduce energy utilization:

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
Affirmative finding as conditioned.

(g) Make advertising features complementary to the site:

No signage is proposed. Not applicable.

(h) Integrate infrastructure into the building design:

Exterior machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory features shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties.

Vents for heating units will need to be defined and illustrated on appropriate elevations. No auditory impact is anticipated on neighboring properties with incorporation of traditional heating and dryer vents.

Rooftop mechanicals, including heating and cooling devices and elevator equipment, should be incorporated into the structure's design, and shall be arranged to minimize their visibility from the street level. Such features, in excess of one foot in height, shall be either enclosed within the roof structure, outer building walls, or parapets, or designed so that they are integrated into the overall design and materials of the building. Where such rooftop features do not exceed ten percent (10%) of the total roof area, they may be considered "ornamental and symbolic features" pursuant to Sec. 5.2.7 for the purposes of measuring building height.

No rooftop mechanicals are proposed. Not applicable.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 5 Performance Standards.

Heat vents are proposed, although their visual appearance and building location have not been identified on plans. Unfortunately many older structures in Burlington have seen the negative visual impacts of these "blemishes" on primary elevations without any thought to their visual discord or negative impact. The applicant shall provide the location and appearance of these units prior to release of the zoning permit for staff review and approval. Venting will need to be located away from the primary (west) elevation.
Affirmative finding as conditioned.

(i) Make spaces secure and safe:

Plans include fire blocking and draft stopping to keep fire in the floor assemblies from getting into the space below stairs and burning stair stringers away. All development shall be required to meet appropriate ingress and egress standards as defined by Burlington's building inspector and fire marshal.
Affirmative finding as conditioned.

Article 8: Parking

This property is within the Shared Use Parking District. One parking space is the requirement for every residential unit. The ZBA previously approved four parking spaces within the carriage barn; the addition of another residential unit will require one more parking space. The site plan illustrates 4 existing parking

spaces within the barn (as approved in 1966), and one new space to the south of the barn on the exterior. The new space meets the requirement for a standard parking space (9' x 20'.)

The driveway and access are existing conditions. A small 15 sf coverage addition will allow for an "apron" flare to access the new space from the existing driveway/paved area. This increase in coverage is matched with removal of coverage elsewhere on the site. See Plan L1.0.

Bicycle storage requires 1 bicycle parking space for every four units long term; 1 for 10 units short term (Table 9.2.5-1). This development would require one long term bicycle parking space, which can be accommodated within the vehicular level of the carriage barn. In any case, additional bicycle parking is broadly encouraged.

Section 8.2.3 Existing Structures

Any expansion or change of use proposed for an existing structure where four bicycle spaces or less would be required shall be exempt from providing those spaces.

As noted, the change of use would not spur any additional bicycling parking requirement. **Affirmative finding.**

Article 11: Planned Development

Sec. 11.1.3 Major and Minor Planned Unit Development

A minor Planned Unit Development shall include any development consisting of:

(b) Redevelopment of existing carriage houses and other out-buildings meeting density of the underlying zoning district.

Minor PUD's shall be exempt from the requirements and standards of this article, but shall be subject to the development standards as otherwise required by this ordinance.

See Articles 4, 5, 6, and 8. **Affirmative finding.**

1. Conditions of Approval

Impact fees, based on the new use of the submitted square footage (giving credit for existing storage use) shall be as follows:

SF of Project 984

Department	<u>Residential</u>		<u>Offices & Other (Storage)</u>	
	Rate	Fee	Rate	Fee
Traffic	0.184	181.06	0.641	630.74
Fire	0.211	207.62	0.188	184.99
Police	0.043	42.31	0.333	327.67
Parks	0.704	692.74	0.397	390.65
Library	0.436	429.02	0.000	0.00
Schools	0.911	896.42	0.000	0.00
Total	2.489	\$ 2,449.17	1.559	\$ 1,534.05

Difference: \$ 915.12

Allocation by department:

Enter Total Fee:	\$915.12
------------------	----------

Department	Residential	
	Rate	Fee
Traffic	0.184	67.65
Fire	0.211	77.58
Police	0.043	15.81
Parks	0.704	258.84
Library	0.436	160.30
Schools	0.911	334.94
Total	2.489	\$ 915.12

Per Section 3.3.7, Time and Place of Payment, Impact fees must be paid to the city's chief administrative officer/city treasurer according to the following schedule:

(b) Existing buildings: Impact fees must be paid *prior to issuance of a zoning permit*, or if a building permit is required, *within thirty (30) days of issuance of the building permit*.

Impact fee payments may also be accepted at the Planning and Zoning Office.

- It will be the applicant's responsibility to make sure that he has all legal access required both for pedestrians and vehicles. It will also be the applicant's responsibility to make sure that his use of shared access, both during construction and after construction, will not violate rights of others who share those access rights. Nothing in our approval shall be construed as modifying in any way the respective access rights of the applicant and others.
- Lighting spec sheets for any fixtures proposed for this development shall be provided to staff for review and approval **prior to release of the zoning permit**.
- Heating vents will need to be illustrated on revised building elevations. Venting will need to be off the primary façade and located on secondary facades.
- The guard rail at the westerly edge of the new parking space shall sufficiently screen any headlamp glare from spill into the existing primary residential structure. Conversely, a row of hedge or landscaping may be appropriately substituted for the same purpose in that location. The choice shall be forwarded to staff for review and approval **prior to release of the zoning permit**.
- The proposed deck will require a barrier rail. Its appearance and illustration on a revised elevation drawing will be a requirement **prior to release of the zoning permit**.
- Lot coverage shall not exceed existing.
- The applicant will need to define any change to the location of snow storage, or method of snow removal with the addition of a new parking space **prior to release of the zoning permit**.

9. The location of the mailbox for the new unit shall be defined and illustrated on site plans/elevations, as appropriate **prior to release of the zoning permit.**
10. Zoning permits are valid for 2 years from the date of approval. Any request for an extension would have to come back before the DRB.
11. Sheathing shall match existing.
12. **Prior to release of the zoning permit**, the location for trash/recycling shall be defined. Receptacles/dumpsters, if located on the exterior of the structure, will need to be screened from public view. The method of screening shall be submitted for review and approval.
13. **Prior to release of the zoning permit**, the applicant shall be required to provide proof of water and sewer capacity from the City Engineer.
14. A state wastewater permit is likely to be required, and is the obligation of the applicant/owner to secure.
15. Parking will be restricted to the identified parking spaces on the site plan.
16. The applicant shall retain the loft door opening and distinctive barn trim.
17. Should the applicant determine after consulting with the building inspector that door and window openings on the north elevation need to be moved to comply with building code requirements, the applicant will submit revised elevations and site plan for review and approval by staff.
18. Standard permit conditions 1-15.

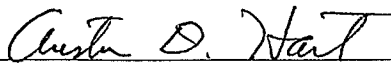
Second: Jonathan Stevens

Vote: 7-0

Vote: motion carried

Dated at Burlington, Vermont, this 26th day of March, 2014.

Respectfully Submitted,



Austin Hart, Development Review Board Chair

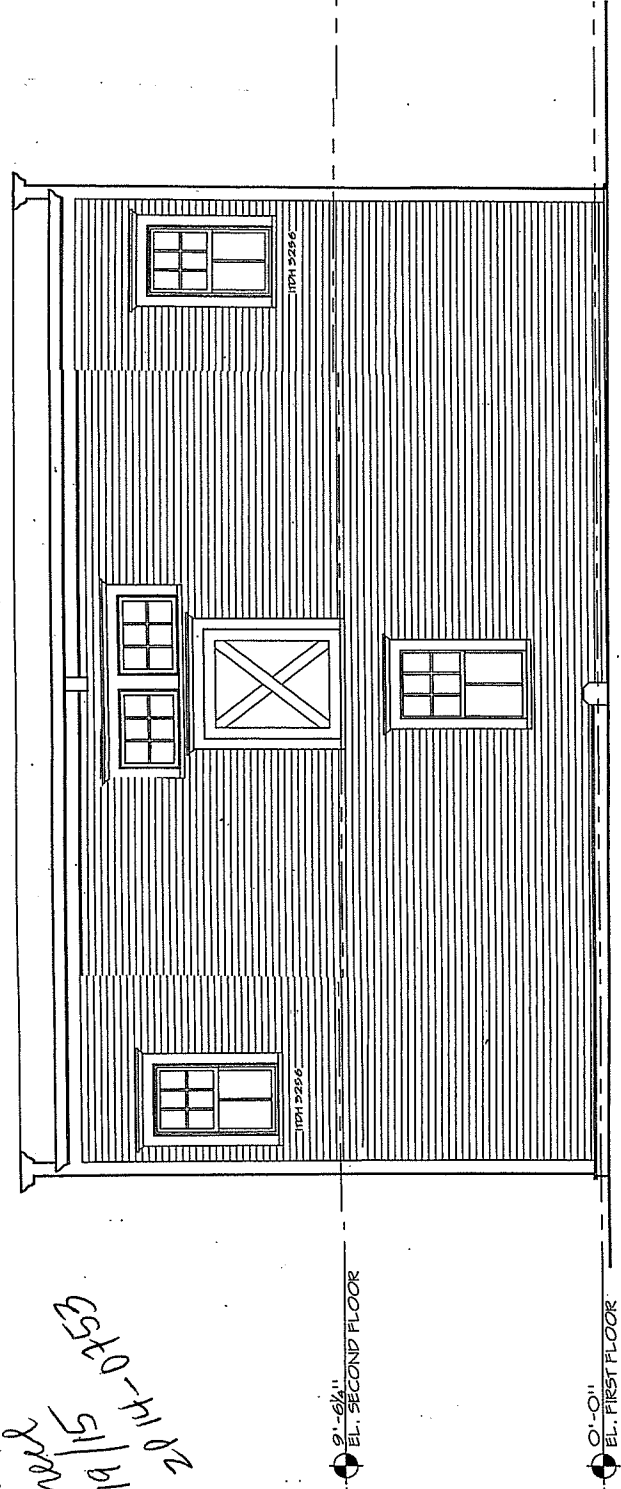
Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court, Environmental Division. (Comprehensive Development Ordinance Article 12, Section 12.2.3 Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court within 30 days of the date of the written decision as follows:

(a) Notice of Appeal: The appeal shall be taken in such a manner as the Supreme Court or the environmental court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3, Vermont Statutes Annotated. Notice of the appeal shall be sent by mail to every interested person appearing and having been heard at the hearing before the DRB, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.)

Extension of loft door
 extension by
 as required #10
 condition
 covered
 3/19/15
 2014-07-05

Proposed
 - Windows over door placed higher
 - Door is retained

PROGRESS PRINT
 NOT FOR CONSTRUCTION



EAST ELEVATION



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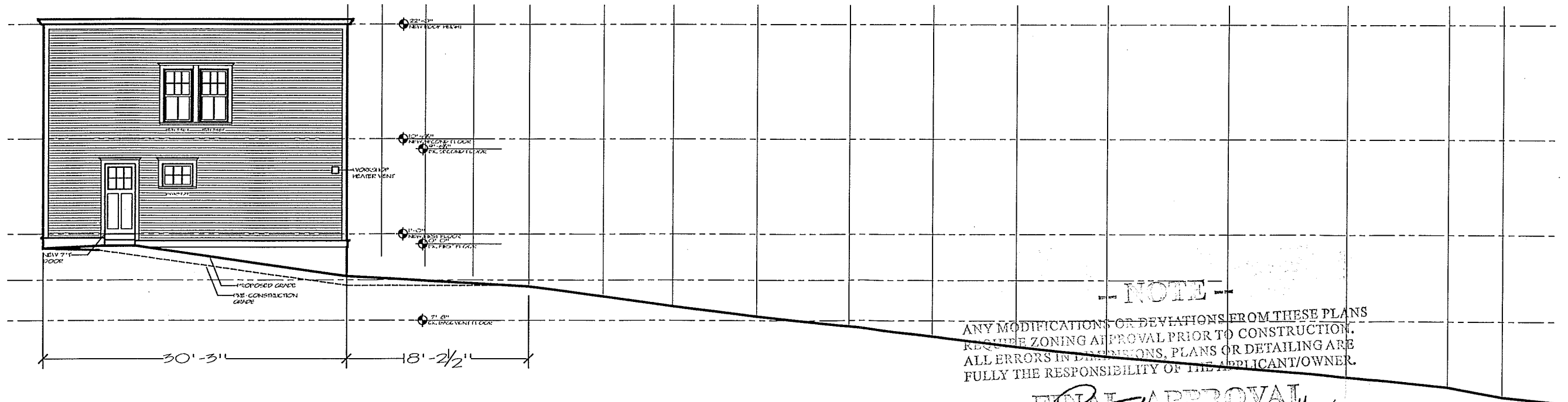
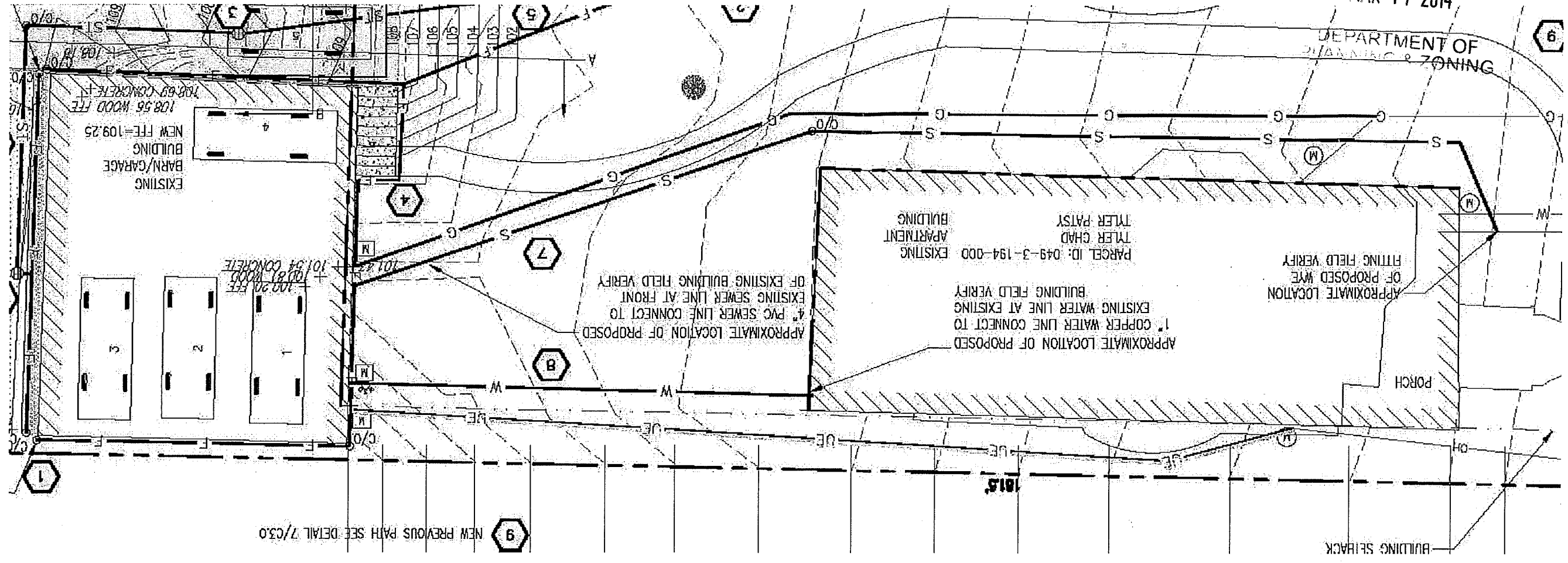
8

TYLER BARN
210 SOUTH UNION STREET
BURLINGTON, VT

DESIGN
CONCEPT
ELEVATIONS

3.14.2014

SITE



NORTH ELEVATION SITE SECTION
SCALE: 1" = 10'

NOTE
ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE
FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL
SIGNED [Signature] DATE 3/26/14
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT 2014-0753CA
grade changes only

Existing coverage (34.34%) taken from ZP08 - 446CA

210 S. UNION ST.

ZONE- INSTITUTIONAL CAMPUS
 LOT COVERAGE- ALLOWED: 40%;
 (EXISTING PER CITY= 34.34%)
 BUILDING HEIGHT- ALLOWED: 35';
 FRONT SETBACK- ALLOWED: 15';
 SIDE SETBACKS- BLDG. ALLOWED: 5.4';
 DRIVE/PARKING ALLOWED: 5';
 REAR SETBACK- BUILDING ALLOWED: 45.4';
 DRIVE/PARKING ALLOWED: 20';
 DENSITY- ALLOWED: 20 DU/ACRE
 EXISTING: 4 UNITS;
 PARKING- REQUIRED: 1 SPACE PER UNIT

(SHARED USE PARKING DISTRICT)
 EXISTING: 4 / 4 UNITS;

NO NET CHANGE PROPOSED,
 (SEE DETAIL BREAKDOWN ON SITE PLAN);
 PROPOSED +12"
 NO CHANGE PROPOSED
 NO CHANGE PROPOSED
 PROPOSED 5';
 NO CHANGE PROPOSED
 PROPOSED 28.5';
 PROPOSED: 5 UNITS;

PROPOSED: 5/5 UNITS;

-- NOTE --

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FINAL APPROVAL

SIGNED [Signature] DATE 3/26/14
 PLANNING & ZONING DEPARTMENT
 BURLINGTON, VERMONT
 ZP14-0753eA

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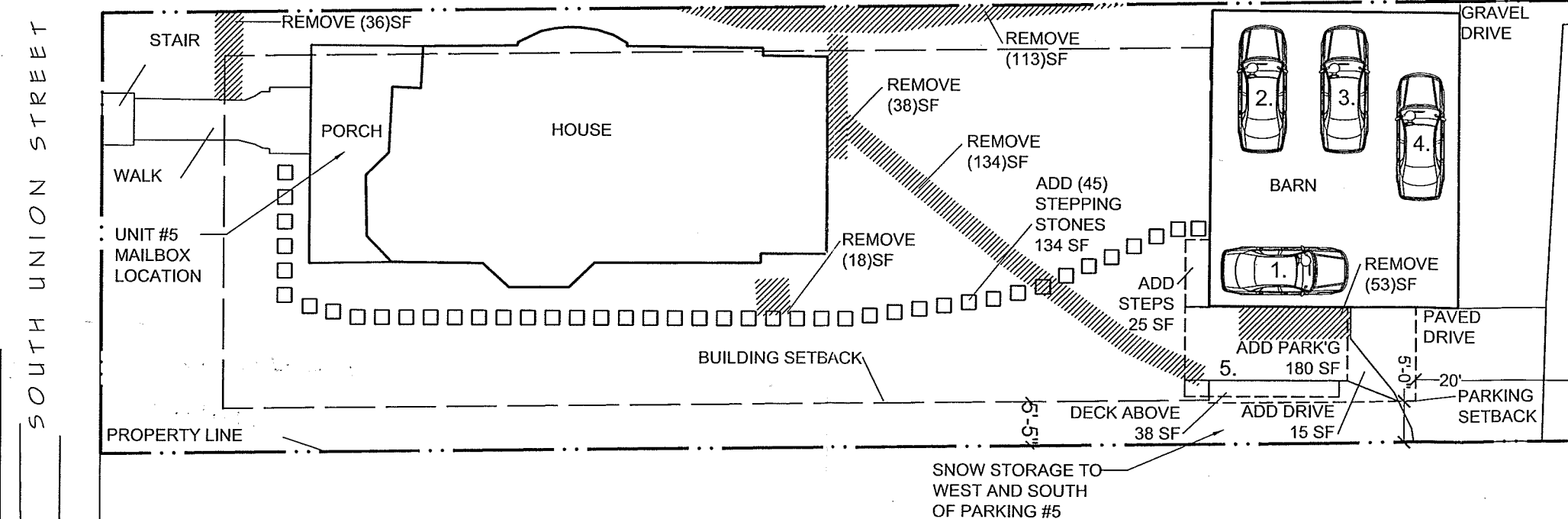
DEPARTMENT OF
 PLANNING & ZONING

Revised

REMOVE:	ADD:
36 SF	
113 SF	134 SF
38 SF	25 SF
134 SF	180 SF
18 SF	38 SF
53 SF	15 SF
392 SF	392 SF

REMOVE LOT COV'G: (392)
 ADD LOT COV'G: 392
 NET LOT COV'G CHANGE: 0

EXISTING TRASH
 RECEPTACLE LOCATION ON
 204 PROPERTY TO REMAIN



SITE PLAN
 SCALE: 1/8" = 1' - 0"

Existing coverage (34.34%) taken from ZP 08 - 446CA

210 S. UNION ST.

ZONE- INSTITUTIONAL CAMPUS
 LOT COVERAGE- ALLOWED: 40%;
 (EXISTING PER CITY= 34.34%)
 BUILDING HEIGHT- ALLOWED: 35';
 FRONT SETBACK- ALLOWED: 15';
 SIDE SETBACKS- BLDG. ALLOWED: 5.4';
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 REAR SETBACK- BUILDING ALLOWED: 45.4';
 DRIVE/PARKING ALLOWED: 20';
 DENSITY- ALLOWED: 20 DU/ACRE
 EXISTING: 4 UNITS;
 PARKING- REQUIRED: 1 SPACE PER UNIT

(SHARED USE PARKING DISTRICT)
 EXISTING: 4 / 4 UNITS;

NO NET CHANGE PROPOSED,
 (SEE DETAIL BREAKDOWN ON SITE PLAN);
 PROPOSED +12"
 NO CHANGE PROPOSED
 NO CHANGE PROPOSED
 PROPOSED 5';
 NO CHANGE PROPOSED
 PROPOSED 28.5';
 PROPOSED: 5 UNITS;

PROPOSED: 5/5 UNITS;

-- NOTE --

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FINAL APPROVAL

SIGNED [Signature] DATE 3/26/14
 PLANNING & ZONING DEPARTMENT
 BURLINGTON, VERMONT
 ZP 14-0753eA

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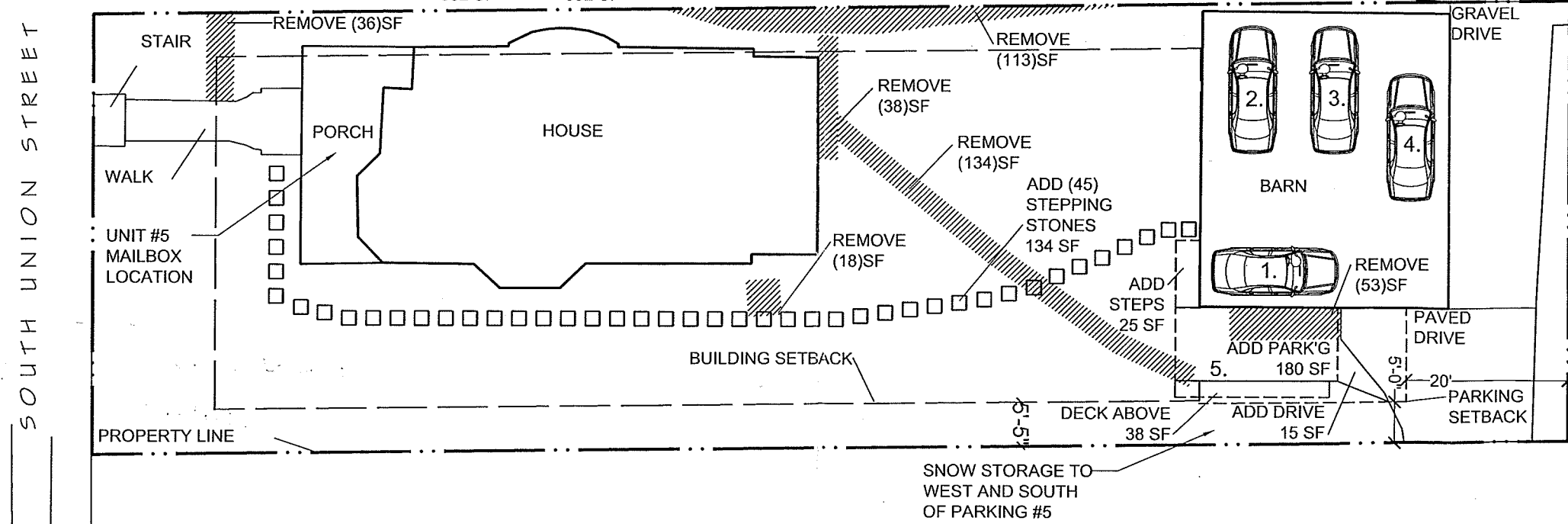
DEPARTMENT OF
 PLANNING & ZONING

Revised

REMOVE:	ADD:
36 SF	
113 SF	134 SF
38 SF	25 SF
134 SF	180 SF
18 SF	38 SF
53 SF	15 SF
392 SF	392 SF

REMOVE LOT COV'G: (392)
 ADD LOT COV'G: 392
 NET LOT COV'G CHANGE: 0

EXISTING TRASH
 RECEPTACLE LOCATION ON
 204 PROPERTY TO REMAIN



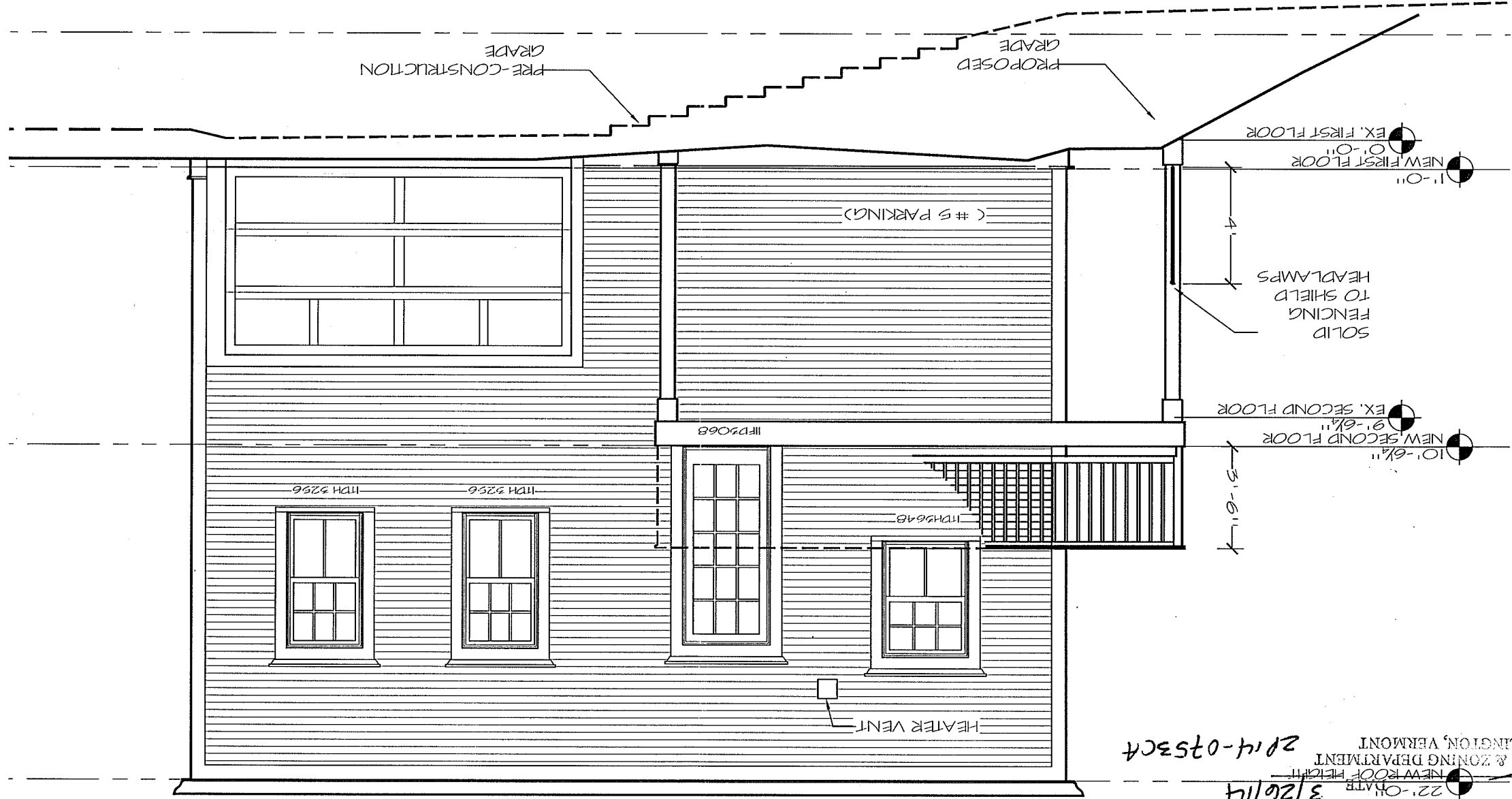
SITE PLAN
 SCALE: 1/16" = 1' - 0"

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FINAL APPROVAL

SIGNED: *[Signature]*
DATE: 3/26/14
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

2014-0753C4



FULL SCALE: 1/4" = 1'-0"

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Reg. Architect, AIA
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A2.1

3.14.2014

DESIGN
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TYLER BARN
210 SOUTH UNION STREET
BURLINGTON, VT

architect
110 Main Street #2b
Burlington, VT 05401

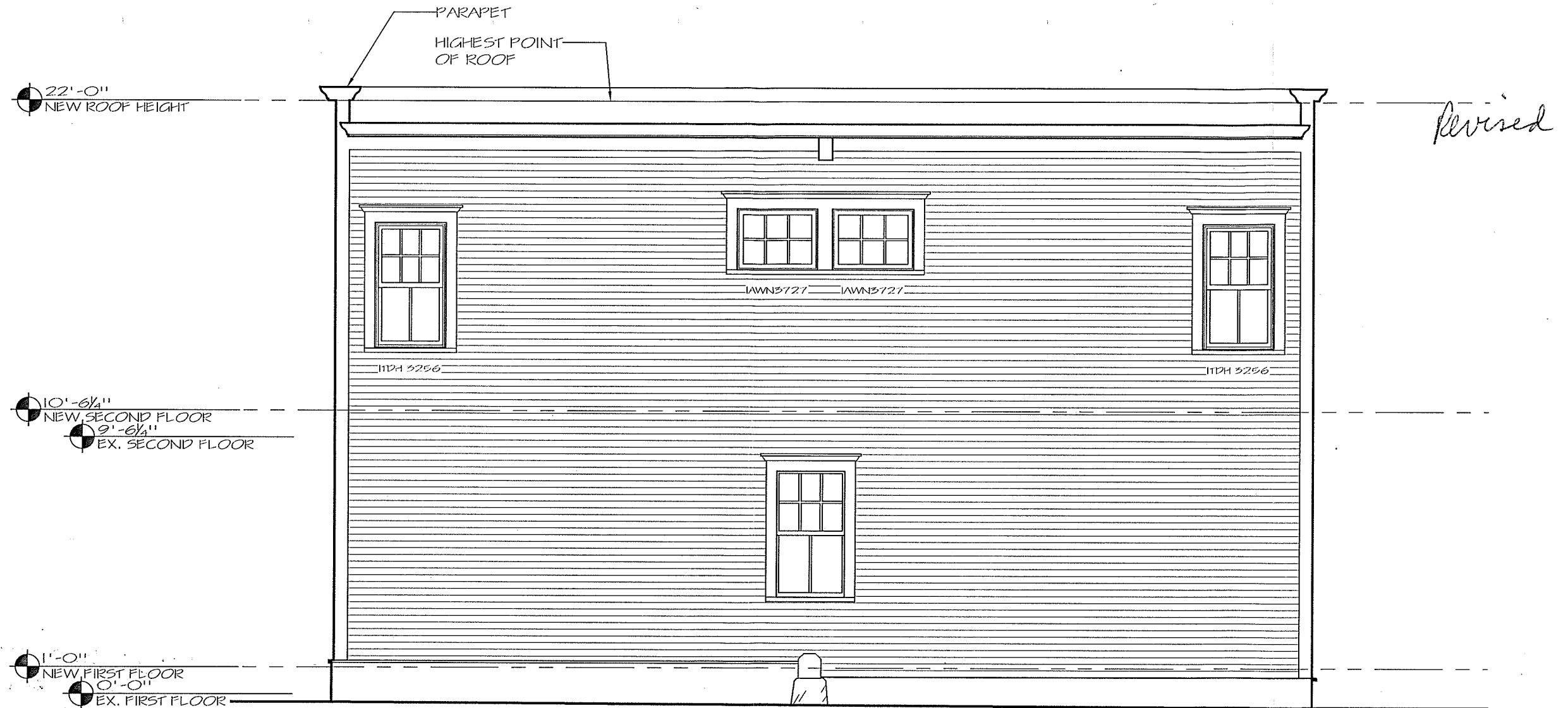


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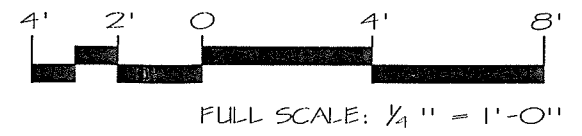
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PLANNING & ZONING
Revised

8

See condition #16



EAST ELEVATION
OPTION 1 - REVISED



MODIFICATIONS OR DEVIATIONS FROM THESE PLANS
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE
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FINAL APPROVAL

DATE 3/26/14

PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT

2014-0753CA

Under alteration height
by city inspector.
See condition #17.

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Revised

studio
architecture

110 Main Street #20
Burlington, VT 05401

TYLER BARN
210 SOUTH UNION STREET
BURLINGTON, VT

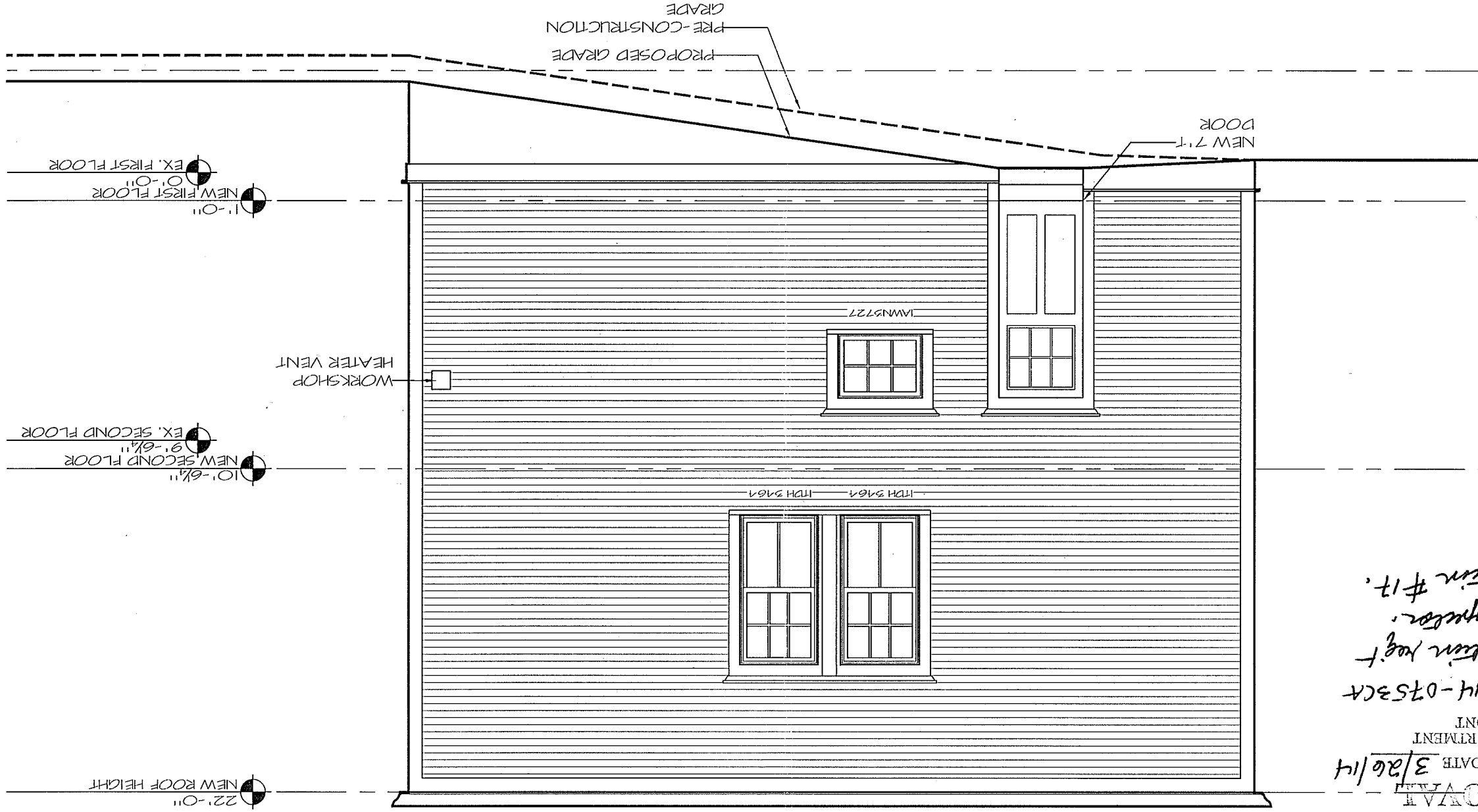
DESIGN
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FULL SCALE: 1/4" = 1'-0"



NOTE

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FINAL APPROVAL
SIGNED *[Signature]* DATE 3/26/14
PLANNING & ZONING DEPARTMENT 2014-0753CA
BURLINGTON, VERMONT

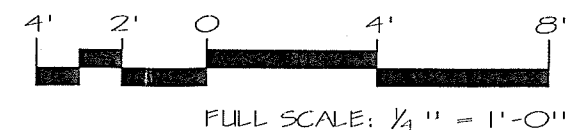
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MAR 14 2014

DEPARTMENT OF
PLANNING & ZONING
Revised

studio **b**
architecture
www.studiobvt.com 802.318.1301
110 Main Street #20
Burlington, VT 05401



WEST ELEVATION



TYLER BARN
210 SOUTH UNION STREET
BURLINGTON, VT

DESIGN
CONCEPT
ELEVATIONS

3.14.2014

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Susan M. Coddaira

SETTLEMENT AGREEMENT

The signatories below ("Parties") have reached the following settlement agreement in reference to all of the issues arising out of or related to *Eagles Place, LLC*, Docket No. 55-4-14 Vtec ("Lawsuit").

The Parties shall prepare a conformed copy of this Agreement in the form of a stipulation for submission to the Vermont Environmental Court within seven days of the completion and approval by the Parties of the Plans described in this Agreement.

This Agreement is contingent upon ratification by the City Council for the City of Burlington no later than February 23, 2015.

1. Stipulated Approval of Permit. The Parties shall jointly request that the Vermont Environmental Court approve conditional use and site plan approval, subject to the following agreements, final plans and conditions, for the construction of a mixed use building with ground-floor commercial space, residential units and enclosed parking ("Project"). The development merges three existing lots: 14-0671CA/MA (194 St. Paul St. (Ward 6, DT)(Tax Lot No. 049-3-028-000); 14-0672CA/MA (1 Browns Court (Ward 6, DT)(Tax Lot No. 049-3-027-000); and 14-0721CA/MA (14 Browns Court (Ward 6, DT)(Tax Lot No. 049-3-041-000). The Stipulated Approval shall contain the following provisions and conditions.

A. The Project shall be completed and maintained in accordance with the Plans approved herein by the Parties and the Stipulated Approval, including drawing A6—Elevation With Material Keys, revised January 2015. Compliance with the Plans, which are attached as Exhibit A to the Agreement ("Revised Plans") shall be a condition of the approval. The Revised Plans will result in a change to the approved program elements, to include:

- a. Dwelling units: 104
- b. Beds: 289
- c. Parking spaces: 66
- d. Retail area: 4,200 s.f.

B. Parking. Champlain College shall require that residents of Eagles Landing with cars display a distinctive sticker on their cars, so that residents of the neighborhood and the Champlain College can identify the cars as being owned by an Eagles Landing Resident. The Parties anticipate this requirement will allow neighbors to identify

vehicles violating parking restrictions under the terms of the Joint Institutional Parking Management Plan ("JIPMP") and report those violations. Champlain College will respond to those complaints and take appropriate action. 65 spaces of on-site parking located at the Project shall be made available to the general public pursuant to the City permit conditions, of which at least 40 spaces shall be available to the general public nights, weekends, and holidays, and another 25 spaces shall be available to the general public 24/7. Unless the City has developed and is prepared to implement upon issuance of the Certificate of Occupancy for the Project a parking management strategy Champlain College shall make the on-site spaces available to the general public and self-manage the parking operation.

- C. Other Conditions. Other Conditions to these approvals are attached as Exhibit B to this Agreement.
- D. Except as modified by the terms of this Agreement, all findings and conditions of the Burlington Development Review Board in its April 3, 2014, decision shall remain in full force and effect, subject to amendments to the permit in accordance with law. In the event of an application for a permit amendment, notice shall be provided to other parties as required by law. In the event Eagles Place LLC or Champlain College submits an application to amend the Permit that is the subject of this Agreement, it shall provide personal written notice to be mailed to each of Jacob Webster, Allan Hunt and Frank von Turkovich for so long as they own the properties they now own in the vicinity of the property that is the subject of this Agreement.
- E. Purchase of Adjoining Residential Properties. 8 Brown's Court, a residential duplex directly adjacent to the Project, is owned by Eagles Landing, LLC and shall be renovated as part of the Project for use no later than the date the Certificate of Occupancy is issued as faculty and/or staff housing. Further, in the event Champlain College ever purchases other residential properties directly adjacent to the Project (along Brown's Court, King Street or Maple Street), the College will renovate if necessary and use such properties as faculty and/or staff housing.

2. Other Agreements. The Parties shall in good faith work together to complete and approve the Plans, and take such other actions as are reasonable to implement this Agreement. The Parties will not oppose any applications for related permits required for the approval, construction or use of the project that is the subject of this Lawsuit. Nothing in this Agreement precludes the City from performing its regulatory functions, including but not limited to permit review and enforcement.

3. Fees and Costs. No Party may file a motion with the Court seeking attorney's fees or costs.

4. Miscellaneous. This Agreement represents a compromise to avoid litigation. By making this Agreement, no Party makes any admission concerning the strength or weakness

of any claim and no party makes any admission of wrongdoing or liability. This Agreement is a comprehensive agreement and all prior understandings and discussions are merged into this Agreement; provided, however, other executed side agreements between individual parties shall remain in full force and effect. The Parties shall execute such additional documents as are reasonably requested to implement this Agreement. This Agreement shall be interpreted under the laws of the State of Vermont. All Parties were represented by counsel in the drafting of this Agreement, or have chosen to proceed without representation of counsel. The presumption against the drafter shall not apply to the construction of this Agreement. Any participation by the mediator in the drafting of this Agreement was in his capacity as mediator in recording mutually agreeable settlement terms, and does not constitute legal advice to any of the Parties. The Parties rely solely on their counsel for legal advice and the suitability of this Agreement. Copies of this Agreement shall be as effective as the original and this Agreement may be executed in parts. This Agreement shall be binding upon the successors, heirs and assigns of the Parties.

5. Enforcement. In the event of any failure to comply with the terms of this Settlement Agreement, any party may bring an action in Chittenden Superior Court to enforce its terms.

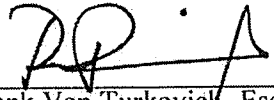
Dated at Burlington, Vermont.

2/24/15
Date

David J. Provasi
Agent for Eagles Place, LLC
Sr. Vice President
David J. Provasi

Dated at Burlington, Vermont.

2/23/2015
Date



Frank Von Turkovich, Esq.

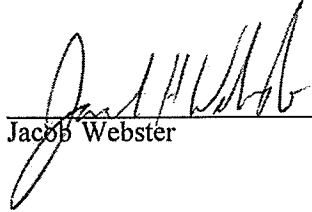
Dated at Burlington, Vermont.

2/24/15
Date

Allen Hunt
Allen Hunt

Dated at Burlington, Vermont.

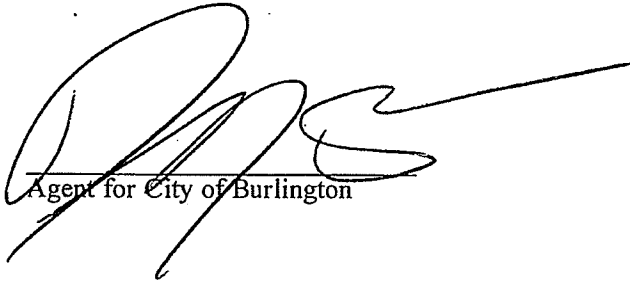
2/25/15
Date



Jacob Webster

Dated at Burlington, Vermont.

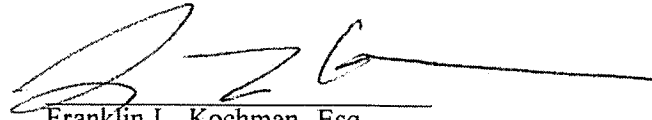
2/24/15
Date


Agent for City of Burlington

Approved as to form:

Dated at Burlington, Vermont.

2/25/15
Date


Franklin L. Kochman, Esq.
Counsel for Von Turkovich and Hunt

Dated at Burlington, Vermont.

2/26/15
Date

Approved as to form:



Mark Hall, Esq.
Counsel for Eagles Place, LLC

Dated at Burlington, Vermont.

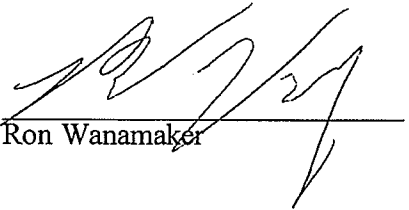
2/24/15
Date

Approved as to form:

Kimberlee Sturtevant
Kimberlee Sturtevant, Esq.
Counsel for City of Burlington

Dated at Burlington, Vermont.

2/22/15
Date



Ron Wanamaker

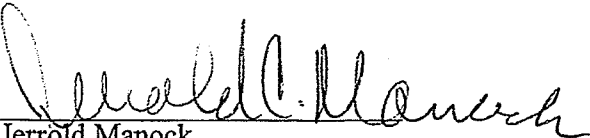
Dated at Burlington, Vermont.

2/23/15
Date

Anne Geroski
Anne Geroski

Dated at Burlington, Vermont.

21 FEB 2015
Date


Jerrold Manock

Dated at Burlington, Vermont.

February 25, 2015
Date

Liisa Reimann Rivera
Liisa Reimann Rivera

Dated at Burlington, Vermont.

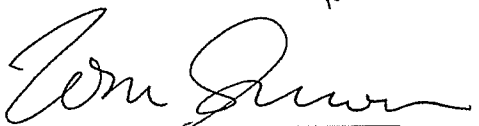
Approved as to form:

Feb. 23, 2015
Date

Marge Allard
Marge Allard

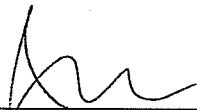
Dated at Burlington, Vermont.

2/20/15
Date


Tom Simon

Dated at Burlington, Vermont.

2/26/15
Date


Jack Mentès

Dated at Burlington, Vermont.

2/26/15
Date

Peg Mentes
Peg Mentès

2/28/15

Date

Eagles Place, LLC.
Docket No. 55-4-14 Vtec
Page 20 of 28

Dated at Burlington, Vermont.

2/23/15
Date

Norman Williams
Norman Williams

Dated at Burlington, Vermont.

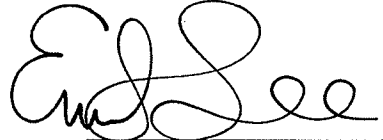
2/23/15
Date

Lucy Totten
Lucy Totten

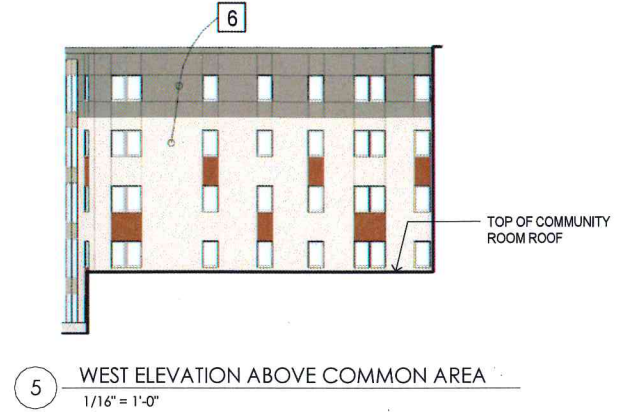
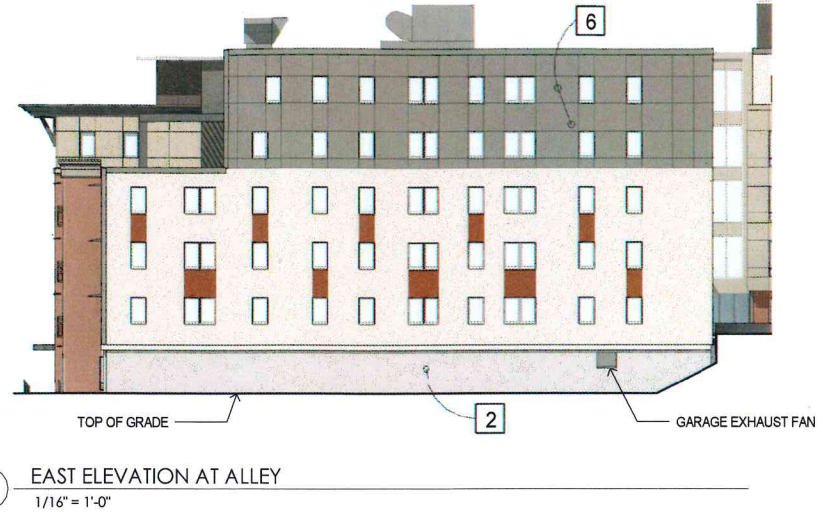
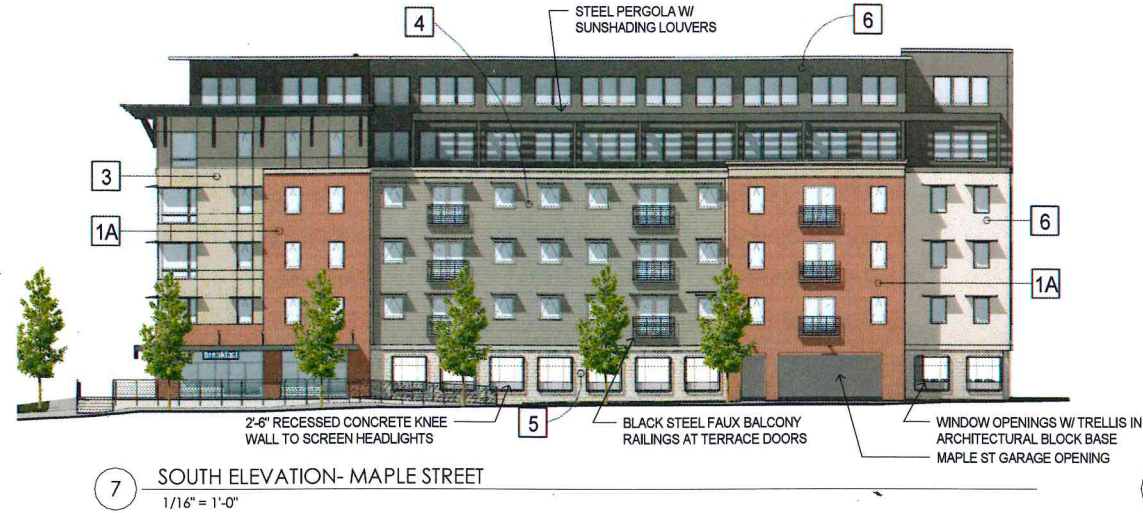
Dated at Burlington, Vermont.

February 24, 2015

Date

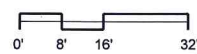
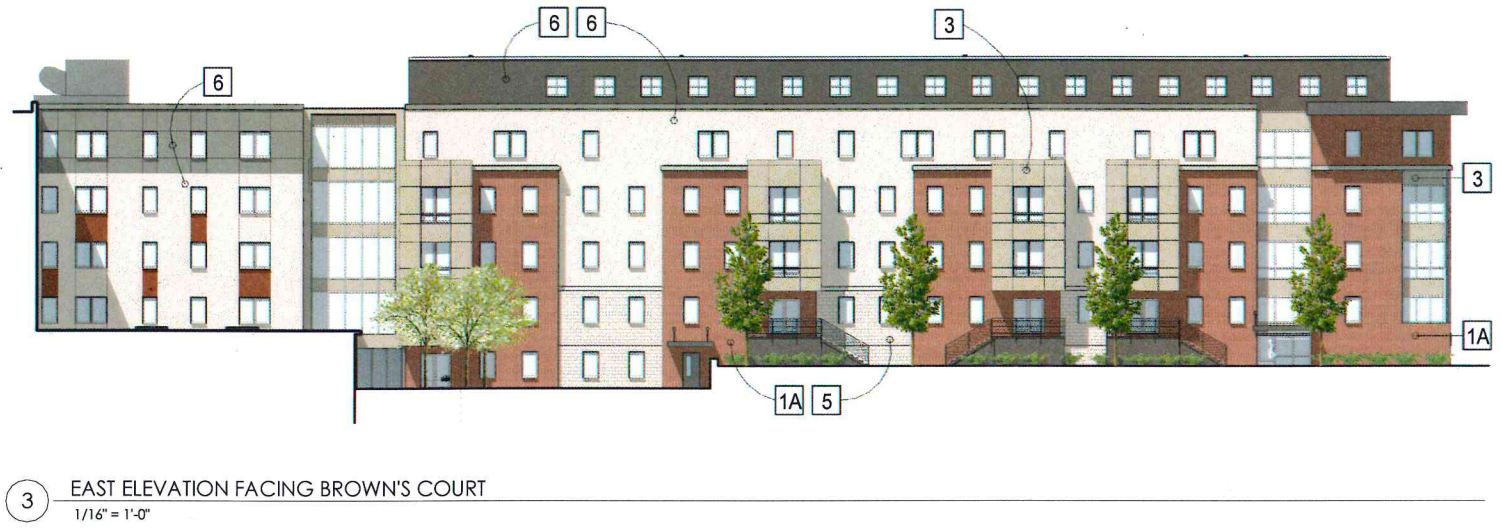


Emily Lee



CLADDING KEY:
SEE SHEET A6 FOR WALL ASSEMBLY/ FINISH MATERIALS SCHEDULE

1	BRICK VENEER 1A: brick color 1 1B: brick color 2
2	EXPOSED CONCRETE
3	METAL PANEL color: champagne
4	FIBER CEMENT HORIZONTAL SIDING
5	ARCHITECTURAL BLOCK
6	EIFS



EAGLE'S LANDING APARTMENTS

ST. PAUL STREET, BURLINGTON, VERMONT

ELEVATIONS WITH MATERIAL KEYS
REVISED MEDIATION SETTLEMENT - January 2015

gravel &
shea | ATTORNEYS AT LAW

76 St. Paul Street
Post Office Box 369
Burlington, Vermont 05402-0369
Telephone 802.658.0220
Facsimile 802.658.1456
www.gravelshea.com

RECEIVED
MAR 28 2016

DEPARTMENT OF
PLANNING & ZONING

Matthew S. Stern
Associate
mstern@gravelshea.com

March 25, 2016

Austin Hart, Chair
Burlington Development Review Board
149 Church Street, City Hall
Burlington, VT 05401

Re: 16-0870AP; 124 Sunset Cliff Road; Joseph Kroger – Request for Continuance

Dear Mr. Hart:

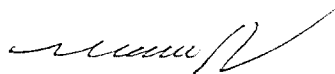
On February 19, 2016, Joseph Kroger filed a Notice of Appeal of Notice of Zoning Violation #298627 (“NOV”). A public hearing for the appeal has been scheduled for Tuesday, April 5, 2016. Concurrently with his appeal, Mr. Kroger also filed a Zoning Permit Application seeking after-the-fact approval for the accessory apartment that is the subject of the NOV. The Burlington Zoning Administrative Officer approved the permit on March 21, 2016. However, the permit is not final until the appeal period runs on April 5, 2016.

Because the appeal period for the Zoning Permit expires on the same day as the hearing for the NOV appeal, Mr. Kroger respectfully requests that the Development Review Board continue the hearing to the next available date. Provided the Zoning Permit is not appealed and becomes final, the NOV issue will be resolved and Mr. Kroger will withdraw his appeal.

Please contact me if you have any questions about this matter. Thank you.

Very truly yours,

GRAVEL & SHEA PC


Matthew S. Stern

MSS:nlt

cc: Mr. Scott Gustin (e-mail)

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, Senior Programmer
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin *AD*
DATE: April 5, 2016
RE: 17 Henry Street; 16-0914AP

In regards to item 16-0914AP, appeal of a notice of zoning violation relative to occupancy for the premises at 17 Henry Street, the appellant requests deferral of the public hearing.

Scott Gustin

From: Jill Boardman <jboardman@morrissswitzer.com>
Sent: Tuesday, March 29, 2016 11:25 AM
To: Scott Gustin
Subject: RE: 17 Henry St (NOV)

Hi Scott,

Thank you for returning my email.

There are several reasons I am requesting a continuance. I will be out west on business flying back from California on the 5th. There is no flight back that lands in time to make the hearing.

I have been speaking to Jeanne Francis regarding a plan to hopefully come to an agreement with the city. There are four students living in the house and I am very willing to commit to the city to continue renting the house to no more than 4 unrelated adults. I believe the attic issue is simply a mistake on the Assessor's Office square footage calculations. The City shows 504 SF for both 2nd and 3rd floor. The 3rd floor has only 302 SF of habitable space. There is no additional space to have finished off without zoning approval. I have invited Jeanne or anyone from Code Compliance or the city to come in the house to check the area calculations. I have been told the Assessor's records are certified, so have asked what type of verification the city will accept as proof of the actual square footage to re-certify the 3rd floor calculation.

Thank you again for your consideration of my request.
Jill

Jill M. Boardman
Partner
jboardman@morrissswitzer.com

MorrisSwitzer ~environments for health
185 talcott road, williston, vermont 05495
t 802.878.8841 c 802.793.0223
www.morrissswitzer.com

From: Scott Gustin [mailto:SGustin@burlingtonvt.gov]
Sent: Tuesday, March 29, 2016 9:04 AM
To: Jill Boardman <jboardman@morrissswitzer.com>
Subject: RE: 17 Henry St (NOV)

OK, will you please send me a brief memo explaining why? I'll send that along to the Development Review Board.
Scott

Scott Gustin, AICP, CFM
Principal Planner & Asst. Administrative Officer
Dept. of Planning & Zoning
149 Church Street
Burlington, VT 05401
(802) 865-7189

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Austin Hart
Brad Rabinowitz
Jonathan Stevens
Alexandra Zipparo
Israel Smith
AJ LaRosa
Geoff Hand

Wayne Senville, (Alternate)
Jim Drummond, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday April 5, 2016, 5:00 PM

Contois Auditorium, City Hall, 149 Church Street, Burlington, VT

AGENDA

- I. **Agenda**
- II. **Communications**
Letter from Matthew Daly regarding 16 Rose Street.
- III. **Minutes**
- IV. **Consent Agenda**
 1. **14-0753CA/CU; 210 SOUTH UNION STREET (I, Ward 6) Chad Tyler**
Request for time extension to add one residential unit to existing accessory structure, increasing total units for property from four to five; add one surface parking space.
(Project Manager, Ryan Morrison)
 2. **14-0671CA/MA; 194 SAINT PAUL STREET (DT, Ward 6) Champlain College**
Request for extension on construction of a mixed use building with ground-floor commercial space, 104 units, 289 bed, 6 story apartment building with 66 space enclosed parking. Development to merge three existing lots. (Project Manager, Mary O'Neil)
- V. **Public Hearing**
 1. **16-0870AP; 124 SUNSET CLIFF ROAD (RL-W, Ward 4N) Joseph Kroger**
Appeal of Notice of Zoning Violation #298627 relative to a second unit in a single family home.
(Jeanne Francis)
 2. **16-0914AP; 17 HENRY STREET (RL, Ward 1E) Jill Boardman**
Appeal of zoning violation for 5 unrelated adults in a dwelling unit located in an RL zone and unfinished attic constructed as habitable space. (Project Manager, Jeanne Francis)
- VI. **Sketch Plan**
 1. **16-0746SP; 72 80 94 COLCHESTER AVENUE and 27 FLETCHER PLACE (I, Ward 1E) Edward B von Turkovich**
Sketch Plan review for proposed two 3 story buildings with 78 apartment multi-residential complex and associated parking.
(Project Manager, Mary O'Neil)
- VII. **Other Business**
- VIII. **Adjournment**

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m.

Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office is considered public and cannot be kept confidential.

This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/drdb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Department of Planning & Zoning at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).
Printed on 100% Recycled Paper

Scott Gustin

From: Sue Reardon <suereardon57@msn.com>
Sent: Tuesday, March 29, 2016 9:30 PM
To: Scott Gustin
Cc: Anne Scheffler Neighbor Gina, Oliver...; DEBBIE STONE; Helen Iohn Brooke Hossley; Maura Neighbor; NATHAN MONFORTE; Steve Stone Neighbor Debbie Wells; Sue Reardon
Subject: Request to re-open hearing

Tues 3/29/2016

Dear Mr. Gustin,

Thank you for responding to my recent email.

After meeting with the Adjoining Homeowners Group (AHG), we have decided to respectfully request that the DRB re-open the public hearing for the 451 Ethan Allen Parkway project as suggested in your 3/25/2016 email to me (see except below).

I would also mention that, within the 30-day appeal period, you may request that the DRB re-open the public hearing. There is no cost to do so. You would need to submit a written request to this office (to my attention) that would then be sent to the DRB for their consideration. The next DRB meeting is April 5, 2016. In light of how close that is to the end of the appeal period, you may wish to file an appeal to preserve your rights in a case, but that is your call completely.

We are asking that the public hearing be re-opened for the following reasons:

1. Lack of proper notification to the adjoining land owners of the 2/26/16 DRB meeting.
2. Lack of notification of the Preliminary Plot Approval decision; it was not received by homeowners and / or 26-2016 meeting attendees.
3. Due to the notification issues, we were not given the full 30 days to adequately prepare our appeal.
4. We would like specific information regarding the 3rd party engineer evaluation:
 - a. What are the requirements of the DRB for choosing the 3rd party engineer (licensing, etc.)?
 - b. Who pays for the evaluation?
 - c. We would like to be party to the 3rd party evaluator choice.
 - d. We would like the option to hire an independent engineer evaluator and have their evaluation be considered before final decisions are made.
5. We are requesting that all of the DRB members do a site visit prior to any approvals and that they notify the adjoining landowners in writing prior to the visit so we may also be present.
6. There are safety concerns i.e. recently the DPW has been cutting trees down on the plot without notification to homeowners.
7. Why was the DPW cutting trees on this land?
8. *Save Open Spaces BTV* is supportive of maintaining this open space.
9. Disturbing the wildlife habitats (hawks, eagles, pileated woodpeckers, raccoon, etc.).
10. Disturbing the flora (old, deciduous trees; lady slippers).
11. Given the past precedence of the 2003, 2004, & 2009 denials, please explain the difference why DRB is approving the project now? What has changed? Why now?

12. At the Deliberative Hearing by the DRB board on 2/29/2016 (to discuss what was said at the 2/16/2016 meeting) many serious concerns of the adjoining homeowners were not discussed at the meeting prior to rendering the preliminary plot approval such as: stability and safety of the adjoining landowners, storm runoff, traffic concerns, lack of egress, sight lines, grading, fill).

We are also asking for clarification as to the timelines involved:

1. Are we on the April 5, 2016 DRB agenda?
 - a. If not, when will the hearing be re-opened?
 - b. How would this effect the 30 day time line?
2. If we are on the April 5, 2016, what effect will that have on the 30 day appeal process? What would the new deadline be?
3. When and how will we be notified in writing of the re-opening decision?

Again, thank you for your assistance with this matter and we look forward to your response.

Respectfully,

Susan T. Reardon

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188
(802) 865-7195 (FAX)

David E. White, AICP, Director
Meagan Tuttle, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: April 5, 2016

RE: ZP16-0904SP; Sketch Plan Review for 66, 72, 80, 94 and 96 Colchester Avenue; 27 and 49 Fletcher Place

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.

File: ZP16-0904SP

Location: 66, 72, 80, and 94 Colchester Avenue; 27 and (a portion of) 49 Fletcher Place

Zone: Institutional **Ward:** 1E

Date application accepted: March 3, 2016

Revised information received: March 28, 2016

Applicant/ Owner: Randall Miller and Francis J. VonTurkovich (49 Fletcher Place owned by Nancy Reid.)

Request: Construct 2 three story buildings containing 78 apartment units with above-ground and underground parking.



Background:

66 Colchester Avenue

- **Sketch Plan Review 16-0746SP;** Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)

- **Sketch Plan Review ZP16-0393SP**, Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **Zoning Permit 87-853**; construct 250 sf. addition to rear of existing office use, provide one additional parking space. (5 + 1 = 6) Approved May 1988.
- **Zoning Permit**, install a 2' x 24' drain trough on the west side of the building. June 1974.
- **Zoning Permit**; convert property to a dental office. Five paved parking spaces. January 1961.

72 Colchester Avenue

- **Sketch Plan Review 16-0746SP**; Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)
- **Sketch Plan Review ZP16-0393SP**, Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **CU-97-050**; Housing replacement exemption. Approved with conditions March 1997.
- **Zoning Permit 89-051 / COA 89-013**; construct 18' x 20' second story addition on rear of existing single family home, no change to site plan. Approved February 27, 1989.

80 Colchester Avenue

- **Sketch Plan Review 16-0746SP**; Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)
- **Sketch Plan Review ZP16-0393SP**, Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **Sketch Plan Review 15-0896SP**, construct 79 apartment units in 3 story building with underground and above-ground parking facilities, April 2015.
- **Zoning Permit 15-0390SN**; install new freestanding sign for Hillel. Approved October, 2014.
- **Zoning Permit 15-0042CA/CU**, change of use from office to membership club; exterior staircase and install bike rack. Approved August 2014.
- **Zoning Permit CU 2004-016**; application for use by UVM affiliated Center for Children, Youth and Families Administrative offices. Approved with conditions, January 2004.
- **Zoning Permit 01-389**; installation of an externally illuminated freestanding sign for the existing medical (chiropractic) office. Approved April 2001; not pick up and confirmed expired in 2011.
- **Zoning Permit CU 2001-035**; change of use of first floor space from office to medical chiropractic office. Removed from agenda as determined that the proposed conversion from a medical billing office to a chiropractic office on the first floor does not require conditional use review. February 2001.

- **Zoning Permit 00-516**; refurbish existing side porch to allow ramping of deck for handicapped accessibility to the existing medical office. No increase in footprint. December, 2000.
- **Zoning Permit 99-277**; removal of slate roofing material, replacing with asphalt shingles for the existing medical office. Approved December 1998.
- **Zoning Permit 92-123**; construction of ten additional parking spaces for a total of sixteen for the existing medical office and residential unit. Existing curb cut to be eliminated, with joint use of adjacent property's (medical office / 94 Colchester Avenue) curb cut. Approved September 1991.
- **Zoning Permit CU92-011 / COA 92-025**; eliminate curb cut and driveway from #80 and utilize widened drive at traffic light at #94. Remove existing garage, change configuration and size of paved parking area. No change to use of #80 as office and apartment. Approved with conditions September 1991.
- **Request for Conditional Use Permit** to construct a private parking lot. July 1990. Application withdrawn by applicant.
- Notice of appeal to the Zoning Board of Adjustment seeking a special exception to erect a 16' x 16' addition to the northeast corner of existing doctor's office. Approved July 1968.

94 Colchester Avenue

- **Sketch Plan Review 16-0746SP**; Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)
- **Sketch Plan Review ZP16-0393SP**, Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **Sketch Plan Review 15-0896SP**, construct 79 apartment units in 3 story building with underground and above-ground parking facilities, April 2015.
- **Non-Applicability of Zoning Permit Requirements 07-703NA**; replace asphalt shingle roof with same. May 2007.
- **Zoning Permit 92-025**; site changes for combined access with #80. See above. Approved September 1991.
- **Zoning Permit 91-154**; remove two windows and one door from north elevation and install three windows on same side. No change in use. See 89-012. October 1990.
- **Zoning Permit 89-042 / COA 89-012?** (Illegible); replace existing vestibule, new siding and windows, new walkways and landscaping. February 1989.
- **Zoning Permit 780073**; erect an 18' x 30 addition in rear of existing building. June 1977.
- **Zoning Permit**; desire to rent portion of premises for doctor's office. Approved May 1963.

27 Fletcher Place

- **Sketch Plan Review 16-0746SP**; Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)
- **Sketch Plan Review ZP16-0393SP**, Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **Sketch Plan Review 15-0896SP**, construct 79 apartment units in 3 story building with underground and above-ground parking facilities, April 2015.
- **Non-Applicability of Zoning Permit Requirements 15-0959NA**; Install dryer hookups on 2nd floor. Upgrade wiring to meet code. Upgrade plumbing to meet code. April, 2015.
- **Zoning Permit 15-0955CA**; Change of use from single family residential to duplex, modify two existing windows, and create new parking spaces. Approved June 2015; under appeal with VSCED.
- **Zoning Permit 81-684**; replace 26" x 26" double hung window with Anderson window 24" x 48". September 1981.
- **Notice of Appeal to Zoning Board of Adjustment**; erect a carport within three feet of the property line. Approved December 1968.

49 Fletcher Place is included to illustrate that the project would include a potential boundary line adjustment; reserving a single family home on a 15,000 sf. lot. The remainder of the parcel would be absorbed into the PUD.

Overview: Contiguous property owners propose a collective development of seven (whole or in part) lots, allowing for utilization of large rear/interior area for new housing. Earlier narratives suggest that 66 and 96 Colchester Avenue are *not* part of the PUD, but will have easements allowing circulation/parking. The Master Plan submitted with the sketch plan application appears to *include* those parcels as part of the PUD, particularly as they relate to circulation and parking within the interior of the development site. They will be required to meet setback compliance as required along the periphery.

The combined parcel size is 3.62 acres without 66 and 96 Colchester Avenue (4.26 acres with those 2 parcels), fronting on both Fletcher Place and Colchester Avenue. A single (connected) three story building with 79 residential units is proposed, with both surface and underground parking. All existing, street-facing structures are proposed to be retained. Access for the interior of the site is intended to be organized at the traffic signal at UVM Medical Center, with another access drive further west at an existing driveway between 66 and 72 Colchester Avenue. The site plan is not clear if that is limited to ingress only. Vehicular circulation is proposed to be enhanced, allowing shared use of internal roadways/parking and access for all existing and proposes uses to the traffic signal onto Colchester Avenue.

As there are existing structures on each of these lots, the project will be reviewed as a Planned Unit Development.

Applicable Regulations:

Article 3 (Applications, Permit and Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), Article 10 (Subdivision), and Article 11 (Planned Unit Development)

Article 3: Applications and Reviews

Section 3.2.1 (c) Sketch Plan Review

Upon request of the applicant, or as may be required under Article 10 – Subdivision or Article 11 – Planned Development of this ordinance, A Sketch Plan Review may be scheduled before the DRB prior to the submission of an application in order to provide the applicant with constructive suggestions regarding a conceptual development proposal. In order to accomplish these objectives, the applicant shall provide the following:

- 1. A brief narrative and preliminary concept showing the locations and dimensions of principal and accessory structures, parking areas, and other planned features and anticipated changes in the existing topography and natural features.*

A project area site plan has been provided, including parcels and property boundaries. An estimated set-back line is included. A site plan with more clearly identifiable boundary lines (with a key) has been requested to assist in understanding the project area.

- 2. A sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features within 200 feet.*

See above.

- 3. A topographic or contour map of adequate scale and detail to show site topography and the relationship to adjoining properties.*

Contours are noted on preliminary plans across the development site.

- 4. Payment of the applicable Sketch Plan Review fee.*

The Sketch Plan Review fee for one board review was paid.

Part 3: Impact Fees

Article 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.

The applicant will be required to provide the gross new area to staff for a calculation of appropriate Impact Fees.

Section 3.3.7 Time and Place of Payment

- (a) New Buildings: Impact fees must be paid at least seven (7) days prior to occupancy of a new building or any portion thereof.*

As noted.

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 Review Criteria

- (a) Conditional Use Review Standards** (as adopted by City Council 8.10.2015)

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 would be served by municipal water and sewer. This project will need scheduling for the Technical Review Committee to determine any concerns posed by the proposed intensity of use, traffic demand and infrastructure limitation. Wastewater and service capacity is available, but anticipated demand is not yet known. A state wastewater permit will also be needed prior to construction. Impact Fees will be assessed for impacts to public services, which will address newly introduced demand.

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 project is proposed within the Institutional zone, where greater scale and intensity of use can be considered; however respect for historic residential buildings and sensitive transitions are required. The character of the area is divided by Colchester Avenue: To the north are existing residential scale buildings; many of those converted to medical offices.

66 Colchester Avenue was permitted as a dental office in 1961, yet retains its historic residential character and massing. 72 Colchester Avenue received an exemption from housing replacement in 1997 when it was a single family house. No change-of-use permit is within the zoning record. If the use will change (duplex suggested within submitted narrative of 10.27.2015), that should be reflected in the PUD application.) 80 Colchester Avenue is home to Hillel; both structures reflect the residential character associated with historic Colchester Avenue. 94 Colchester Avenue is a medical office, however residential in appearance and scale.

Fletcher Place is entirely residential, with 7 single family homes, and 2 triplex residences (7-11 and 19 Fletcher Place.) 27 Fletcher Place has been approved as a duplex, however that decision is currently under appeal to Vermont Superior Court Environmental Division. The use at 50 Fletcher Place is unknown as it is owned by UVM, however conveys the character is of a single family Colonial style home.

As most of the structures on the north side of Colchester Avenue / west side of Fletcher Place are residential, additional residential development would be in keeping with the current use of the area.

Architectural elevations have been updated for this sketch plan review Three stories is generally greater in size than existing buildings within the project area.

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;

An increase in the number of residential units will have a concomitant increase in noise associated with domestic use. The traffic circulation will be formalized; however several of these parcels already have significant parking areas associated with their medical practices. Odor, dust, heat and vibration are not anticipated as associated impacts, if traffic and rubbish removal are analyzed, planned for and incorporated into the PUD.

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 new development proposes to utilize the traffic signal that currently serves UVM Medical Center; organizing the traffic circulation for all uses within the PUD to the traffic light. The site plan does not assure that egress is also available next to 66 Colchester Avenue; the applicant will need to define. Access will also be available east of the medical office at 96 Colchester Avenue. If the project advances, a traffic analysis will be required for preliminary plat review. That analysis must include existing and proposed trip generation figures and examine likely impacts on the UVM Medical Center intersection, where the weight of traffic is anticipated.

The proposal, within the Institutional zoning district, is anticipated in its proximity to local medical and institutional facilities positive opportunities for pedestrian and bicycle transportation options. If a parking waiver is sought, a parking management plan should include those strategies that will demonstrate adequacy of meeting the demand of the new residential units.

And

5. *The utilization of renewable energy resources;*

Building plans suggest the inclusion of a significant solar array on a flat rooftop of Building 1.

And

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

It is premature to determine if there is full compliance with all applicable bylaws at this time in review. When more information has been provided, an assessment can be better accomplished.

(b) Major Impact Review Standards

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

No stormwater management details have been provided. A comprehensive stormwater management plan will be required with preliminary plat application. Review by the Conservation Board and the Stormwater Administrator will be required.

As the proposed use (aside from the existing Colchester Avenue medical offices and the Hillel use) is exclusively residential, no undue air or noise pollution is anticipated.

2. *Have sufficient water available for its needs;*

Written assurance from the city water engineers of adequate water and sewer capacity will be a requirement during application review.

3. *Not unreasonably burden the city's present or future water supply or distribution system;*

An assessment of city water engineers will be critical to understanding demand and capacity. See Section 3.5.6 (a) 4.

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;

An erosion prevention and sediment control plan in compliance with Chapter 26, Wastewater, Stormwater, & Pollution Control will be required with preliminary plat application. It will be subject to review and approval by the Stormwater Administrator.

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 Section 3.5.6 (a) 4.

6. Not cause an unreasonable burden on the city's ability to provide educational services;
The specific unit sizes and anticipated bedroom count have not been provided with this sketch plan review; however an earlier submitted floor plan suggests one bedroom and studio units intended to serve a professional population associated with area institutions. These limited size units are less likely to have school age children; higher bedroom count increases the possibility. Unit types and bedroom counts must be specified with preliminary plat application. In any event, Impact fees will be required to help offset impacts to the school system.

7. Not place an unreasonable burden on the city's ability to provide municipal services;
The proposed development will generate additional impacts on city services; however, the extent of those impacts cannot be determined at sketch plan review. Technical Review will be recommended so that all departments will have an early opportunity to view plans and discern potential impacts to their areas.

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 Section 5.4.8, 6.2.2. and 6.2.3.

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 project seeks to utilize open space on the interior of multiple lots. There will be increased demands on city infrastructure; however the location is advantageous in its proximity to area institutions, travel ways, and the downtown. Further analysis can be made upon application submittal, however early involvement with other city departments will identify and allow for consultation on specific infrastructure demands.

10. Be in substantial conformance with the city's municipal development plan;
It may be premature to identify specific areas of conformance with the MDP, but the following may be relevant:

- *Support the development of additional housing opportunities within the city, with concentrations of higher-density housing within neighborhood activity centers, the downtown and institutional core campuses. (MDP, Housing Plan, Page IX-1.)* Technically, the project site is within the Institutional zone, not core campus, however.

- *Provide a range of housing types that meet the needs and interests of the student population. These should include apartments that give students an opportunity to get away from the typical dormitory living situation. (MDP, Housing Plan, Page IX-11.)*
- *Addressing Parking and Circulation. Every effort should be made to provide parking either underground or within a structure to minimize the amount of land dedicated to surface parking. Additionally, traffic circulation patterns within residential neighborhoods and through the University campus must be evaluated to minimize through traffic off campus, and the need to use cars all together. (MDP, Housing Plan, Page IX-11.)*
- *Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning. Identify buildable sites for eventual housing construction/conversion. (MDP, Housing Plan, Page IX-12.)*

However, some areas of discussion remain:

- *Require that all city buildings, facilities, and infrastructure adhere to a high standard of urban design, public accessibility, and energy efficiency. (MDP, Community Facilities and Services Plan, Page VII-2.)* Revised building elevations depict large elongated three story box-like buildings that minimally differentiate wall planes. Building mass is broken up by cursory pavilion extrusions or changes to metal sheathing.
Any new development will be required to meet energy efficiency standards as defined by Burlington Electric Department and accessibility requirements as determined by the building inspector.
- *Embark(ing) on a greening program to replace unnecessary pavement with landscaping; encourage a diversity of open spaces accessible to each neighborhood including pocket parks and community gardens; the promotion of rooftop and wildflower gardens, and a network of paths and wildlife travel corridors. (MDP, Land Use Plan, Page I-25.)* The proposed plan presents large areas of surface paving, with abbreviated natural area for resident use.
- *The challenge presented by the **Legacy Project Action Plan** will be to define the amount of future growth that is possible and desirable, and develop effective strategies to encourage future growth while retaining the scale and character of the city. (MDP, Land Use Plan, Page I-9.)*

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;

The proposal is infill in undeveloped rear yards of existing adjoining neighborhoods. The proposed new residential units will moderately contribute to the city's housing stock. The type and affordability of the units are not definitively known at Sketch Plan. The location is probably the most desirable feature; in close proximity to area institutions: UVM Medical Center, the university, and downtown.

12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.

Modest impacts on the city's park and recreation needs are anticipated. Payment of impact fees will help offset such impacts. The project would be enhanced with on-site gardens or similar amenities for use of the immediate residents.

(c) Conditions of Approval for Conditional Use applications

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;

When plans are further developed, the need for screening or landscaping will become more apparent.

2. Time limits for construction.

Zoning permits are valid for two years; if development is likely to extend beyond that time frame, a phasing schedule is recommended to allow for occupancy of part of the building as the project continues.

The specific hours of construction are typically limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. The DRB has the discretion to alter those hours based on the demands of the project and the context of the development area.

3. Hours of operation and/or construction to reduce the impact on surrounding properties.
See above.

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

As a PUD and a Major Impact/Conditional Use, this is a statutory requirement.

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.

Any such performance standards will be informed by more fully developed project plans, and at the discretion of the DRB.

Article 4: Maps & Districts

(a) Purpose: The Institutional District allows for an increased development scale and intensity than would typically be found in the adjacent residential districts to support continued growth and flexibility of the city's major educational and health care institutions within their respective institutional missions. New development is intended to be sensitive to the historic development pattern of the existing campuses as well as the surrounding residential neighborhoods.

The district is intended to support a broad range of related uses reflecting the resident institutions role as regional educational, health care, cultural and research centers. Buildings should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sensitive transitions between adjacent lower scale residential areas and larger scale institutional development should be provided. Sites should be designed to be pedestrian friendly and encourage walking

between buildings. Where parking is provided onsite, it is intended to be hidden behind, to the side, within, or underneath structures.

Table 4.4.4-1 Dimensional Standards and Density (based on site plan submitted via email 10/26/2015)

Institutional District	Max. Intensity 20 du/acre 24 du/acre with IZ	Max. Lot Coverage 40% 48% with IZ	Building setbacks			Max. Height 35'
			Front ² Minimum 15'	Side ³ 10% of lot width, Min. 5', Max 20'.	Rear 25% lot depth, min. 20', max 75'	
Proposed development	8 existing / equivalent units + 78 new = 86. 86/3.62 acres = 23.75, less than the 24 unit limitation.. (This assumes 66 and 96 Colchester are not included in the PUD. Area number would be different if included (4.62 acres) and would allow for greater number of units.)	32.7% proposed. The applicant has confirmed that this includes the area to be annexed from 49 Fletcher Place. The submitted lot size is the same as submitted with the 15-0896SP review, one which did not incorporate the 49 Fletcher as part of the PUD narrative. Confirmation is needed.	No change to Colchester Avenue or Fletcher Place.	See comments below.	An argument can be made that there are only 2 frontages (Colchester Avenue and Fletcher Place); all other property boundaries would be side yards.	Height has not been defined, but is limited to 35'.

66 Colchester Avenue is suggested as part of the PUD on the Master Plan site map; however the narrative of 10.28.2015 indicates the association with the development will be limited to “cross easements”. If 66 and 96 Colchester Avenue are developed as part of this plan, they must be included within the PUD assembly. They appear essential to circulation paths, parking and egress. Setbacks, coverage, and intensity calculations must comply for all involved parcels. The applicant has been notified, and expressed willingness to re-examine area, intensity, parking and setbacks under the above provisions inclusive of all involved parcels.

Several parcels have been proposed to remain as individual lots within the PUD: 66 Colchester, 94 and 96 Colchester Avenue. 72 and 80 Colchester Avenue will be merged with 27 Fletcher Place and the rear portion of a 49 Fletcher Place, after a boundary line adjustment for the latter. Reciprocal easement arrangements for parking and access will be effected. The revised site plan of 3.3.2016 continues to “exclude” 66 and 96 Colchester Avenue by bold outline and inclusion of setback lines from those parcels; but these two properties are inherently participatory in the development with circulation paths and parking proposed on both. As noted, they must be included as part of the overall PUD plan, with application from each participating property owner on final application.

As there is no key to understand the demarcations on the submitted site plan, more clear information and an annotation key for the site plan has been requested.

The merger of 72 and 80 Colchester Avenue will have a minimal effect on setbacks; 72 Colchester Avenue has a lot line of 0; that will remain and therefore not increase the non-conformity. The merged lots will require a setback 10% of the lot width (now measured across 72 and 80 together.) This does not appear problematic, as the access road is on the east of 80 Colchester Avenue. The originally submitted site plan did not illustrate property lines, which has

made understanding setbacks difficult especially when some lots are proposed to be merged for purposes of the PUD, others not.

As 66, 94 and 96 Colchester Avenue will remain separate lots, their side yard setbacks remain as existing and will only be analyzed for setback compliance along the periphery of the project which is the ultimate focal consideration for a PUD.

Internal setbacks are not considered, as only setbacks around the periphery of the PUD are scrutinized.

Review of a full size plan will be essential for ease of reading boundary lines, measurements and calculations for required side yard setbacks.

Section 4.4.4 (c) Permitted and Conditional Uses

Attached dwellings, multi-family are a conditional use in the Institutional Zone, per Appendix A.

Article 5: Citywide General Regulations

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.4-1, above. A breakdown of the coverage (for an accurately defined area) will be required.

Section 5.2.4 Buildable Area Calculation

Although the combined parcels exceed the 2 acres threshold, they are within the Institutional Zone which is not subject to this criterion.

Section 5.2.5 Setbacks

See Table 4.4.4-1, above.

Section 5.2.6 Building Height Limits

Height is limited to 35', except under provisions of Section 5.2.6 (b).

Section 5.2.7. Density and Intensity of Development Calculations

See Table 4.4.4-1, above. The unit count cannot be rounded up under provisions for calculating density. The new number of units has been adjusted to 78, with an equivalency of 8 units in existing structures for a total of 86. The applicant should provide a breakdown of existing area to confirm the equivalency calculation. This meets the limitation for intensity of use including IZ. See Table 4.4.4-1, above.) As previously noted, the total area calculation has up to now excluded 66 and 96 Colchester Avenue and a portion of 49 Fletcher Place. This will significantly affect the allowable density for development. The applicant will need to adjust all figures for an accurate assessment of allowable density.

Part 3: Non-Conformities

Section 5.3.5 Nonconforming Structures

(a) Changes and modifications:

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

- 1. Such change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.*

2. Such change or modification shall not create any new nonconformity,
The merger of lots fronting Colchester Avenue (72, and 80) will create a larger lot width, increasing the required side yard setback. 72 Colchester Avenue currently extends over the property boundary and will remain so. There is no change to that existing non-conformity. The side yard setback on the easterly boundary of 80 Colchester Avenue will become 10% of the (new) lot width at that location. Existing property boundaries have not been defined there; however it appears possible that the 10% setback could be achieved in that vehicular access area. Other, independent lots (66, 94 and 96 Colchester Avenue will have no implications for setbacks, as they are existing and the lots are within the PUD. A small sliver of 27 Fletcher Place connects to Colchester Avenue next to 96, and that will retain its existing setback. It appears that the PUD as illustrated will not create any new non-conformity relative to setbacks and therefore in conformance with this standard.

Section 5.4.8 Historic Buildings and Sites

72, 80, and 94 Colchester Avenue, as well as 27 Fletcher Place are all listed on the Vermont State Register of Historic Resources. As the development is proposed for the interior of these combined parcels, the most significant concern may be that of compatibility, particularly in regard to massing and proportion.

(b) Standards and Guidelines:

- 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

Each of these resources was constructed as a residential dwelling. The addition of new housing, in the rear of these combined parcels, will not alter the historic or current use of each structure.

- 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

No alterations to the structures have been shared relative to 72, 80, 94 or 96 Colchester Avenue; 27 or 49 Fletcher Place. The roadway that is proposed to be the principle entrance to the development between 80 and 94 Colchester Avenue is currently an access to a parking area. Similarly, the driveway that separates 66 and 72 Colchester Avenue currently exists, but logically may experience a much greater intensity of use with this plan. The most significant change will be the introduction of a large extended residential structure in the rear of the assembled lots. The structure will occupy most of the open space behind these older structures, and introduce a building likely to be of a larger scale and mass than is in evidence on either the north side of Colchester Avenue or Fletcher Place.

- 3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

There is no proposal for conjectural features on any of the subject properties.

- 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

For Sketch Plan, there has been no inclusion of alteration to the existing historic properties.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

No changes to features or finishes are proposed.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

No replacement of historic features is proposed.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No chemical or physical treatments are proposed for the historic buildings.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

As noted.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

Spatial relationships will be altered in that these included properties will no longer have the spacious rear yards they now enjoy. As an example of modern infill, the project provides an opportunity to examine what type of new construction may be attractive, functional, and compatible with the existing residential buildings. Other historic examples of residential development off Colchester Avenue would be Nash Place, Thibault Parkway, and even Fletcher Place itself.

A growing city commonly utilized open area tangent to existing development frequently along a major thoroughfare to expand residential opportunities; but each successively created a nucleus neighborhood that was independent of, but related to neighboring development. This proposal seeks to introduce a residential nucleus within a collection of existing buildings.

Revised building elevations define a housing model in stark contrast in proportion, massing (3 stories), and scale with its neighbors. Rather than discrete divisions between smaller residential structures that collectively would create a hamlet, this plan reaches to maximize the buildout potential in a connected multi-story building. Materials, design and surface treatment are suggested on submitted elevations. The proposed access at the traffic signal will enter into a circulation system that accessing surface parking and (by turning left) entry into one of two

below-grade parking structures. Although the actual appearance from the public streets may not be discerned until modeling studies are done, the scale, character, and proportion will need analysis to determine compatibility with its abutting neighbors. Only then will it be possible to examine this criterion of sensitive and compatible infill.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

It would be possible to consider the removal of a single large detached structure, so the project might be reversible.

Section 5.5.1 Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. Lighting, however, will need to be examined for appropriateness and consistency with the standards of this ordinance.

Section 5.5.2 Outdoor Lighting

No information has been provided for lighting. Submission materials at the time of application must include a photometric for the entire site, fixture information with lumens and mounting height information. The most recent site plan suggests light poles on or near property lines; a situation which may cause light spill onto abutting parcels and would therefore be unacceptable.

Section 5.5.3 Stormwater and Erosion Control

A stormwater management plan, and Erosion Prevention and Sediment Control Plan will be required for site development and must be approved in writing by the City Stormwater staff. Additionally, conditions will require compliance post construction with each approved plan prior to issuance of any Certificate of Occupancy.

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Section 6.1.2 Review Standards

Three discrete parcels are proposed to be merged together (72 and 80 Colchester Avenue; 27 Fletcher Place.) Four others will remain individual parcels (66, 94 and 96 Colchester Avenue; 49 Fletcher Place.) 49 Fletcher Place will require a boundary line adjustment to annex the easterly land to this plan. A boundary line adjustment will be required simultaneous with the PUD application.

Plans must show exact boundary lines. A boundary survey by a VT licensed land surveyor (required for the lot line adjustment at 49 Fletcher Place) must be provided at final review. Conditions relative to filing the boundary line mylar in the land records will apply.

Part 2, Site Plan Design Standards

Section 6.2.2 Review Standards

(a) Protection of important natural features

There is a significant ravine to the north of the site, which the project development avoids. The proposal intends to incorporate grade changes to facilitate underground parking for the new residential building.

(b) Topographical alterations

Any specific methods to alter the terrain to accommodate the plan will need to be disclosed.

(c) Protection of important public views

There are no important public views from or through the property.

(d) Protection of important cultural resources

See Section 5.4.8 (b).

(e) Supporting the use of alternative energy

Revised building elevations suggest an expanse of rooftop solar on Building 1, a flat roofed building. This is encouraged.

(f) Brownfield sites

The properties are not listed on the Vermont DEC Hazardous Waste Site.

(g) Provide for nature's events

A Stormwater Management plan, approved by the City Stormwater team will be required. Details for the proposed stormwater management system will be required prior to final plat approval.

A comprehensive erosion prevention and sediment control plan will be required at the time of application. As with the stormwater management, final details will be required prior to final plat approval.

Snow storage is proposed on the northerly end of the driveway that runs west of building 2. This plan should be included on the Stormwater Management plan so it can be thoroughly reviewed by the City Stormwater administrator for any concern.

(h) Building location and orientation

The visible public streetscape along Colchester Avenue is an important component; however, equally important is the establishment of a well-defined built environment, functional open spaces, and interconnectivity between the new dwellings and the existing streetscape/sidewalks that connect physically and visually to Colchester Avenue and on a lesser note, Fletcher Place. The site plan has been redesigned to create and orient a primary façade (Building 1) to front Colchester Avenue. A pedestrian way and crosswalk to Colchester Avenue are illustrated on the plan. The proposed circular drive will provide visual access to both buildings, however as it is lined with parking spaces, there is no clearly identified drop-off location other than the south elevation of Building 1.

Open space or common land is required as part of Article 11.

The CDO and Municipal Development Plan articulate a vision for vibrant city neighborhoods with a fabric of cohesive streetscapes and call for new neighborhoods to reflect this vision. The proposed development ambitiously attempts to increase residential density through utilization of undeveloped rear yards. Redesign has the potential to effectively introduce a significant number

of new residential units in a manner that is respectful of the existing pattern of development and streetscape. Whether this extended three story structure meets that bar is the test.

(i) Vehicular access

Access to this inner site is proposed directly across from the UVM Medical Center, intending to utilize the existing traffic light. That access will allow use of existing interior parking (and current casual interconnections) behind 66, 72, 80, 94 and 96 Colchester Avenue. The secondary avenue next to 66 Colchester Avenue is a direct path to the underground parking proposed for Building 1 and 2. The revised site plan suggests it may be ingress only (which may be ill advised if it introduces more traffic conflict on Colchester Avenue.) The principal entry at the traffic light would also offer the opportunity to turn “left” in front of the proposed Building 1; and then turn right onto the entry access to the underground garage.

The existing access drive east of 96 Colchester Avenue is proposed to be retained and connected to the inner grid as well as specific parking spaces for the existing medical office. This drive is recommended to be ingress only.

(j) Pedestrian access

Sidewalks connect directly to those on Colchester Avenue, and continue along the easterly side of Building 1, connecting to Building 2. A “promenade” type pedestrian path provides a focal entry to Building 1 from Colchester Avenue; something recommended in earlier sketch plan review.

There is no identified pedestrian path from parking areas behind 94 and 96 Colchester Avenue to the residential building, which would require folks to walk across a significant vehicular circulation path unprotected. A pedestrian connection separating people and cars should be incorporated.

(k) Accessibility for the handicapped

The project will have to meet ADA standards, as directed by the building inspector. An elevator is proposed to serve the entire building. H/C parking will be required, with identification, signage and access area. This will need to be more fully developed at the time of review.

(l) Parking and circulation

Parking is proposed under both Building 1 and 2 and on surface parking. The applicant will be obliged to meet the parking requirements of Table 8.1.8-1 of the CDO. The parking requirement for multi-unit attached dwellings in the Shared Use Parking District is 1/unit.

Circulation is proposed via an access drive at the traffic light on Colchester Avenue; proceeding through a choice of paths. Turning right will afford access to a circular loop double-lined with 49 surface parking spaces. A second access west of 72 Colchester Avenue will allow access to another 17 surface parking spaces and entrance to two subsurface parking areas. The far easterly access (next to 96 Colchester Avenue) will first admit access to 6 surface parking spaces intended for the medical office, and lead to the circular loop. As circulation paths and parking cross property boundaries, the applicant must effect easement or other instrument to allow use of abutting parcels to provide the suggested access and circulation. This will be critical for the 96 Colchester Avenue parcel, as the parking and circulation lanes rely on that lot.

The proposed vehicular circulation plans will be dependent on informative signage to direct drivers to correct paths. Overall, there is a large amount of pavement and surface parking

proposed, although it is behind the existing buildings on Colchester Avenue. Unfortunately building 1 will be surrounded on three sides by pavement.

It is noted that if 96 Colchester Avenue is *not* among the assemblage of parcels within the PUD, the main access drive/parking plan does not work as a significant portion of it is proposed for that parcel.

Surface parking requires shading to reduce the effect on the local microclimate, air quality, and stormwater runoff. At least 30% of the parking lot must be shaded. 1 shade tree shall be provided for every 5 parking spaces with a minimum caliper size of 2 ½ -3" at planting. For the circular loop, 10 trees will be required; for the parking next to 96 Colchester Avenue one new tree is needed; and for the parking behind 66 Colchester Avenue, 3 trees are required. The applicant is invited to review this standard for specific requirements or specimen choice, size at maturity, and requirement for arborist review.

If exterior bicycle parking is provided, clearly marked signs indicating their location (with access along vehicular driveways or paths) shall be provided. Bicycle parking must be linked to pedestrian routes to a building entrance. Bike parking must conform to applicable design and construction details as provided by the City of Burlington Bicycle Parking Guidelines:

https://www.burlingtonvt.gov/uploadedFiles/BurlingtonVTgov/Departments/Public_Works/Transportation_Policy_and_Planning/Bicycling_and_Walking/Bicycle%20Parking%20Guidelines.pdf

(m) Landscaping and fences

There is not enough information available at Sketch Plan to evaluate landscaping. A full landscaping plan will be required at the time of formal application.

(n) Public plazas and open space

While there are no formal public plazas included in the plan, it is appropriate to evaluate the availability of open space available for residents. North of the development site is unreceptive for open space amenities due to the challenging topography. An open area behind 27 Fletcher Place is proposed to be utilized for a community garden. Area for picnic tables, clothes lines, or play areas dedicated to the enjoyment of the residents is further encouraged. Further exploration of similar opportunities is encouraged and will in fact be required, per Article 11.

The main pedestrian entry between 72 and 80 Colchester Avenue will provide an informal plaza for the residential community enjoyment.

(o) Outdoor lighting

See Section 5.5.2.

(p) Integrate infrastructure into the design

On-site utilities will need to be undergrounded. Meters, utility connections, HVAC or similar mechanical equipment should be coordinated with the design of the building, and grouped in a service court out of public view. All need to be illustrated on elevations and/or site plans to determine appropriateness of location and necessity of screening.

As has been frequently mentioned, it would be preferable to integrate trash and recycling operations within the building rather than as a stand-alone. The location of recycling facilities will need to be identified as well. As proposed, a dumpster is illustrated on the westerly side of the site at an angle that would be challenging for trash haulers to reasonably access. A plan that

reasonably and effectively meets the waste and recycling demands of the proposed 78 new residential units while providing a common sense accessible path for trash haulers needs to be developed.

Any dumpster will be required to be enclosed on all four sides to prevent blowing trash; and must be screened from public view. Such enclosure, (if the trash is not relocated to the interior of the building) must have a defined plan at the time of submittal.

Part 3, Architectural Design Standards

Section 6.3.2 Review Standards

(a) Relate development to its environment:

1. *Massing, Height and Scale:*

The massing and scale of the proposed new residential building is starkly in contrast to the residential scaled buildings that surround it. Most buildings are 1 ½-2 stories (96 Colchester Avenue larger with the addition of rooftop dormers); however in scale and height, the new connected buildings are substantially larger than its neighbors.

2. *Roofs and Rooflines.*

Flat roofs are proposed; within the context of the immediate area (north side of Colchester Avenue, west side of Fletcher Place) most buildings have gable, bonnet, hipped or compound roofs with dormers. The exception may be Mater Christi School, west of this parcel, which is flat-roofed.

Porches typically have shed or modified hip roofs. Flat roofs are not commonplace on the residential buildings north of Colchester Avenue or west side of Fletcher Place.

3. *Building Openings*

Windows on Building 1 are rhythmically placed and grouped in columns across three stories. In fenestration is resembles institutional (1930s school) use. Building 2 has more expansive arrangement of windows, with larger, triple ganged organized in columns under a parapet; single windows otherwise. The front entrance to Building 1 is underwhelming for its principal importance and streetfront presence. The glassy easterly entrance to Building 2 is more inspired in its overall presence, but its access into a meeting room (if accurate to floor plans submitted with ZP16-0749SP) is awkward. An entrance is also present on the easterly side of the connector between the two building volumes; one that is more likely to be used by tenants walking from their cars.

Oddly there are limited windows for the 2nd and 3rd floors on the north elevation of Building 1. As these are likely to provide additional passive lighting/solar for the units more windows are strongly encouraged.

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8.

(b) Protection of Important Public Views:

There are no protected important public views from this site.

(d) Provide an active and inviting street edge:

The core of the development is behind existing structures. The most visible street presence will be the main entry facing Colchester Avenue. While several iterations have been presented, none as yet have provided the clear, important principal entrance as the location merits.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Building materials have not as yet been specifically defined; elevation drawings suggest a mixture of metal sheathing materials. Greater detail is expected at the time of application.

It would be preferable to eliminate the treescape layer on modeled building images so the detail of the elevations is more easily understood. (Plan A901)

(f) Reduce energy utilization:

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. Representatives of BED habitually attend Technical Review meetings and can provide guidance and incentives to the applicant team.

(g) Make advertising features complementary to the site:

No signage is proposed. Any signs will require a separate sign permit.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p.)

(i) Make spaces secure and safe:

All applicable building and life safety code as defined by the building inspector and fire marshal will be required. Technical Review will help define specific requirements relative to the needs of emergency vehicles and fire suppression. Building entrances need to be adequately illuminated. An intercom system is recommended to maximize personal safety of the residents.

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

The applicant needs to clearly define the properties and the existing uses that are being included in the overall plan so an accurate parking requirement can be made.

The last approved site plan for 66 Colchester Avenue (1988) featured a paved parking area with 6 spaces. As portrayed, there is a significant expansion in parking behind that structure, which will need to be brought into the PUD to formalize the arrangement, or otherwise brought into compliance.

In the Shared Use Parking District, 1 parking space is required for each dwelling unit. For 78 new residential units, 78 parking spaces will be required in addition to the current demand by existing use.

A full calculation of available parking will be required (interior and surface) as well as a list of existing uses on all parcels so the parking requirement for existing and proposed uses can be deduced.

Section 8.2.5 Bicycle Parking Requirements

Table 8.2.5-1 defines the bicycle parking requirement as 1 per 4 units for long term storage, and 1 per 10 units for short term. For 78 new residential units, bicycle parking requirements would be 20 long term spaces, and 8 short term. These numbers may fluctuate depending upon the number of units. Bicycle parking meeting these requirements shall be illustrated on submitted site plan/floor plans, as appropriate. As previously noted, exterior bicycle parking should be linked to pedestrian paths that connect to the buildings and public sidewalks. Interior long term bicycle storage is encouraged for the proposed residential units.

Article 9: Inclusionary and Replacement Housing

Section 9.1.5 Applicability (As amended by the City Council 8/10/2015.)

As the proposed development includes more than 5 new dwelling units, it is subject to the inclusionary housing provisions of this Article. Fifteen percent of the total unit count must be inclusionary (Per Section 9.1.10, 15% of 78 is 12 dwelling units). The project would not meet the exemption from Inclusionary Housing within the Institutional Zone, as the proposed units are not being developed by an educational institution.

Approval for the adequacy of the inclusionary units will be required from the manager of the city's Housing Trust Fund. Any stipulations would be included as a condition of approval.

Section 9.1.12 Additional Density and Other Development Allowances

As a covered project, it will be entitled to increases in the development allowances of the underlying zoning district. As per Table 4.4.4-1, Maximum intensity increases from 20 dwelling units/acre to 24; maximum coverage from 40% to 48%. The plans reflect those allowances,

however as calculated, the proposed intensity may not be greater than the land area allows. See Table 4.4.1, above. 86 total units (78 + 8 equivalent) calculate to 23.7 units per acre, under the allowable 24 units with IZ inclusion. For the method for calculating intensity of use, see Section 5.2.7 (a).

The total land area must be confirmed prior to acceptance of this calculation.

Other possible allowances for the provision of Inclusionary Units may include:

- (b) 1. A waiver of up to 50% waiver of parking spaces as outlined in Article 8, Section 8.1.14,
- 2. A waiver of a portion of the impact fees associated with the Inclusionary Units, pursuant to the Art. 3, Part 3 Impact Fee Administration Regulations.

The applicant is encouraged to confer with the Housing Trust Fund Manager to confirm the number of required IZ units, and any potential diminution of Impacts Fees.

All provisions of Section 9.1.8 through 9.1.11 (rental and sales, percentage of Inclusionary Units, and income eligibility) shall apply, without exception, to any inclusionary units that are constructed.

Section 9.1.13 Off-Site Option

The applicant has not suggested any inclusionary units be located off site. If the applicant decides to seek an off-site option or to make a payment in lieu of constructing inclusionary units, the provisions of this section will apply.

Section 9.1.14 General Requirements for Inclusionary Units

- (a) *In order to assure an adequate distribution of inclusionary units by household size, the bedroom mix of inclusionary units in any project shall be in the same ratio as the bedroom mix of the non-inclusionary units of the project.*

As noted. Additional provisions of Inclusionary standards, including gross floor area, interior amenities, marketing, and affordability will be required to meet the approval of the City's Housing Trust Manager.

Sec. 9.1.17 DRB Review of Proposal for Phasing

If phasing of the project development is desired, the request shall be reviewed as a component of the initial project review and included in conditions of approval. A schedule setting forth the phasing of the required inclusionary units will need to be presented to the DRB for review and approval. If phasing is not included as part of the review process, no phasing of the inclusionary units shall be allowed.

Sec. 9.1.18 Timeline for Availability/Phasing of Inclusionary Units for Issuance of Certificate of Occupancy

Inclusionary units shall be made available for occupancy on approximately the same schedule as a covered project's market units, except that certificates of occupancy for the last 10% of the market units will be withheld until certificates of occupancy have been issued for all inclusionary units. If the project is to be constructed in phases, certificates of occupancy may be issued on a phased basis consistent with the conditions of approval per Section 9.1.17.

Article 10: Subdivision

Section 10.1.5 Lot Line Adjustments

*The intent of this section is to provide for an abbreviated review and approval process for the realignment of lot boundary lines between existing adjacent lots, **including the merger of lots**, where no additional lots are being created.*

A lot line adjustment shall not constitute a subdivision.

A boundary line adjustment is proposed simultaneous to this review for 49 Fletcher Place, which will provide additional land to be annexed to the overall merged parcels of 72 and 80 Colchester Avenue and 27 Fletcher Place. Three parcels are proposed to be combined. A boundary survey done by a Vermont licensed surveyor must be completed for the boundary line adjustment. All requirements of Section 10.1.5 (a) shall be provided.

(c) Lot Line Adjustment – Administrative Decision:

An application may be denied for good cause based upon substantial evidence including but not limited to:

B. Such cases where the proposed adjustment will result in the creation of a non-conforming parcel or non-conforming buildings or structures or yard areas or any non-conforming dimensional standard.

The boundary line adjustment of 49 Fletcher Place will be required to leave a conforming lot fronting the public street. The remainder of the parcels collectively assessed as part of the PUD must meet periphery setbacks for the zoning district. Setbacks have been more easily met when existing parcels have not been merged (66, 94 and 96 Colchester remain discrete; the access strip from Colchester Avenue east of 96 Colchester remains a connection to 27 Fletcher Place.) If that access is already paved, it may be continued as a shared access drive and therefore does not require a setback. No new non-conformities relative to setbacks can be identified.

Sec. 10.1.6 Sketch Plan Review

Whenever a subdivision is proposed that will create five (5) or more lots or dwelling units, the applicant shall submit sketch plans and data pursuant to Article 3, Section 3.2.1(c) Sketch Plan Review showing existing conditions within the site and its vicinity and the proposed layout and development of the subdivision prior to the preparation of any preliminary and/or final plats.

The current Sketch Plan Review meets this standard. Additional plans will be required at the time of preliminary plat review (landscaping, elevations, utility, etc.).

Section 10.1.18 Preliminary Plat Review

After sketch plan review if applicable, the applicant may submit an application for Preliminary Plat Review pursuant to requirements specified below and containing any additional information requested by the administrative officer after completion of the sketch plan review.

Zoning amendments relative to subdivision review have largely separated PUDs from Article 10. As no lot will be subdivided as part of the PUD (49 Fletcher Place boundary line adjustment done separately) and no new lots will be created, no subdivision will occur. There will be no requirements for Preliminary and Final Plat review.

Article 11: Planned Unit Development

Section 11.1.3 General Requirements and Applicability (As adopted by City Council 8.10.2015.)

Any development involving **multiple lots, tracts or parcels of land to be developed as a single entity**, or seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article. A Planned Unit Development may be permitted subject to minimum project size as follows in the following districts:

Institutional – no minimum project size.

Footnote: Subject to Conditional Use Review pursuant to Article 3, Part 5.

This standard allows development of multiple lots with no minimum lot size for a PUD in the Institutional Zone. See Section 3.5.6 for Conditional Use Review standards.

Section 11.1.4 Modification of Regulations

With the approval of the DRB after a public hearing, the following modifications the requirements of the underlying zoning may be altered within a planned unit development:

- *Density, frontage, lot coverage and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis.*
- *Required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;*
- *More than one principal use and more than one principal structure may be permitted on a single lot, and*
- *Buildings may be of varied types including single detached, attached, duplex or apartment construction.*

Any proposed modifications of regulations shall be listed in a statement accompanying the application submission and such modifications shall be subject to the provisions of Section 11.1.5 and Section 11.1.6.

Calculations for lot area, intensity of use and setbacks have been provided for 72, 80 and 94 Colchester Avenue and 27 & 49 Fletcher Place. Parking has been calculated for the uses on those lots, in addition to the existing uses. Parking and circulation occur on 66 and 96 Colchester Avenue, which have so far been excluded from overall calculations. As previously noted, development on those parcels for essential function of the overall PUD will require their inclusion; therefore that area should be included as part of the overall development site.

Section 11.1.5 Approval Requirements

(a) The minimum project size requirements of Section 11.1.3 shall be met;

There is no minimum project size for a PUD within the Institutional Zone.

(b) The minimum setbacks required for the district have been met at the periphery of the project; See table 4.4.4-1, above. This will depend upon whether 66 and 96 Colchester are included within the PUD project area.

(c) The project shall be subject to design review and site plan review of Article 3, Part 4 and the standards of Article 6.

See Articles 3 and 6, above.

(d) The project shall meet the requirements of Article 10 for subdivision review where applicable;

See Article 10 above. This may be limited to the boundary line adjustment for 49 Fletcher Place.

(e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project;

Density calculations will need to be adjusted to reflect total area of all involved parcels, and meeting the directed method of calculating density per Section 5.2.7 (a). The entire development area will need to be confirmed to complete accurate coverage and density calculations. The total area of development will also influence coverage calculations, which may need to be amended from this submission.

(f) All other requirements of the underlying zoning district have been met as calculated across the entire project;

See Section 4.4.4, above.

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB

A community garden for the residential units is illustrated on the easterly side of the lot; additional common land for the collective use of the intended residents has been suggested and is encouraged.

(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.

A phasing schedule has not been requested or suggested. Any proposed phasing plan will need to be approved by the DRB and included as part of decision and conditions.

(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests; Sec. 11.1.1, Intent

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

The concept of developing underutilized area behind existing structures is a traditional method of infill and intensification of use where encouraged through the Municipal Development Plan. How that occurs, and how it might appear to both street frontages and present itself to Colchester Avenue will determine the appropriateness of the design within the context proposed.

(b) Facilitate the adequate and economical provision of streets and utilities;

The proposed new structure can reasonably be assured to be served by extended access road(s) within the site and public utilities.

(c) Preserve the natural and scenic qualities of open space;

The natural area/open space to the north will be retained and visible from many of the proposed residences within the new development. The revised site plan has re-aligned the building mass to provide greater exposure for vistas to that natural area. Surface parking

within the site should not hinder the opportunity to meet the requirement for common area for the development, as required by Section 11.1.6 (g).

(d) Provide for a variety of housing types;

The applicant has suggested the likelihood of all new units as one bedroom or studio units, to satisfy demand for housing for professionals. This will need to be specifically articulated with bedroom count if the project advances.

(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed;

The project area retains an existing amount of infrastructure, buildings and use that front Colchester Avenue and Fletcher Place. The ravine area to the north will be partially annexed as part of the PUD; appending the land area to allow for greater development and density within the buildable area of the collective parcels.

And;

(f) Achieve a high level of design qualities and amenities.

As conceptually proposed, the building design proposes intensifying the density with construction of a single connected residential building. The context, massing and proportion of any new building should be sensitive to its neighbors and sympathetic to the character of the area. Customary residential appurtenances like porches, patios, breezeways, gardens, pergolas, play areas, or clotheslines are recommended for inclusion, as typical and welcome amenities for attractive residential complexes, particularly within established neighborhoods.

(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 Section 11.1.6 below.

Section 11.1.6 Accessory Facilities

(a) A planned unit development may contain a building or buildings intended for non-residential uses, such as but not limited to a community center, recreation facility, and child care center and/or business office if the DRB determines that such use or uses are compatible with the intended principle residential use.

The applicant may explore the option to convert 94 Colchester Avenue to a business office associated with the management of the new residential units. Inclusion of any accessory facilities shall be defined at the time of application for preliminary plat.

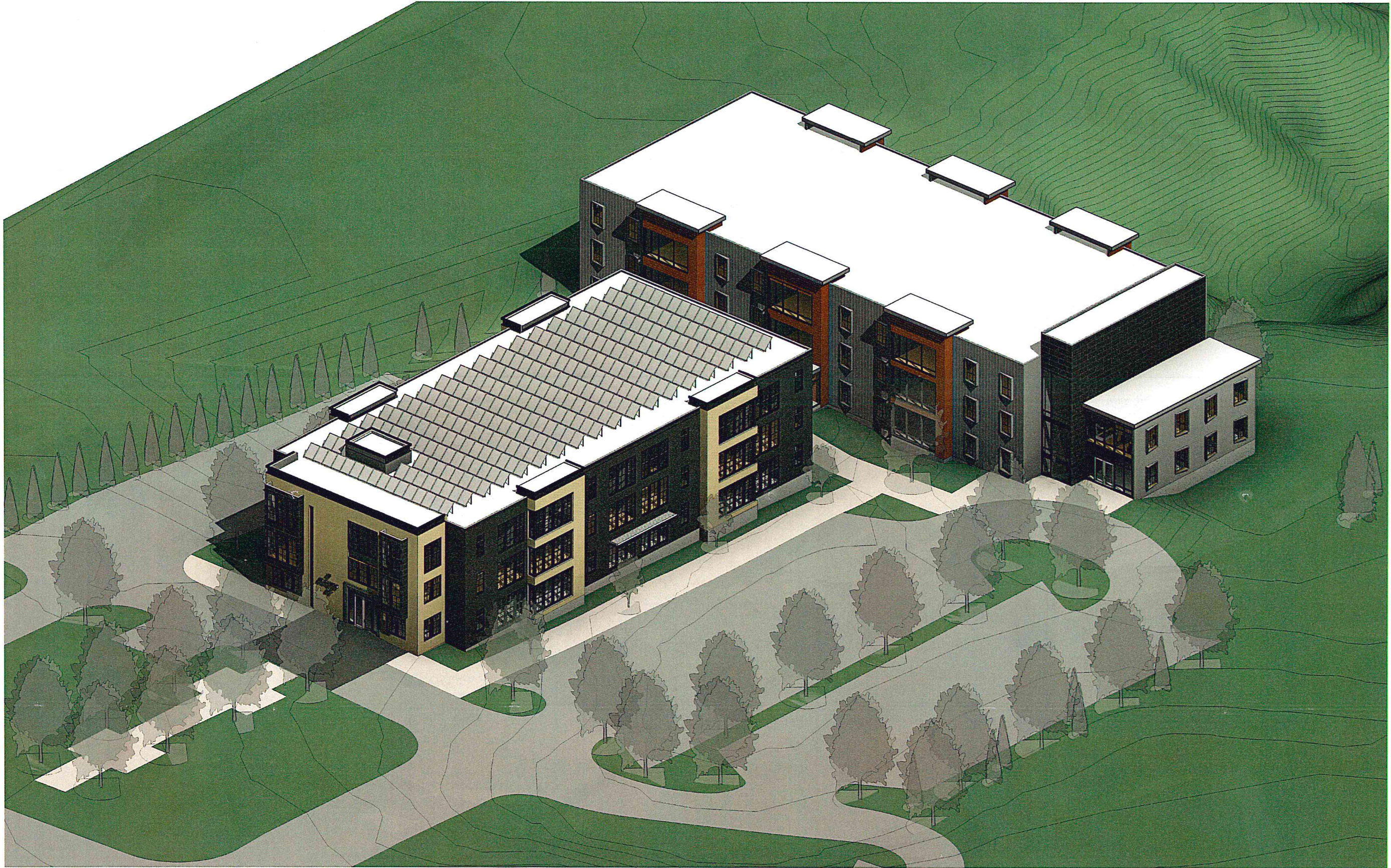
(b) A planned unit development may contain a building or buildings intended for use as a community convenience store if approved by the DRB under the following standards:

- 1. A determination shall be made by the DRB that the community convenience store will not contribute to parking problems on site or in the surrounding area.*
- 2. The maximum size of the store is 1000 sq. ft.*

3. *Only one sign is permitted limited to the following:*
 - A. *The maximum size is 4 sq. Ft.*
 - B. *The sign shall be a parallel sign.*
 - C. *The sign shall not be illuminated.*
 - D. *No window signs, temporary or permanent shall be allowed.*
 - E. *No freestanding signs on the site or within the street ROW are allowed.*
4. *No outside storage or displays or vending machines, except for a telephone and a screened dumpster, is allowed.*
5. *There shall be no exterior service windows or exterior ATM's allowed.*
6. *There shall be no gas pumps allowed.*
7. *The building(s), sign and site for any such store shall be subject to the development review criteria under Article 6.*
8. *Parking shall be in back or at the side of the community convenience store building with the building oriented for pedestrian access.*

The applicant has not suggested the inclusion of a community store in the PUD Sketch Plan review.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.



PRELIMINARY
NOT FOR
CONSTRUCTION

REVISIONS		No.	Date
Description			

3D VIEWS

SCALE:

72, 80, 94 COLCHESTER AVE - 27 FLETCHER PL.
MILLER - VONTURKOVICH
BURLINGTON, VERMONT

1/4" = 1'-0" (Horizontal)
1/8" = 1'-0" (Vertical)
Scale: 1/8" = 1'-0" (Vertical)
8/24/2015 10:27
Rabideau Architects

RA
Rabideau Architects

PROJECT #: 1412

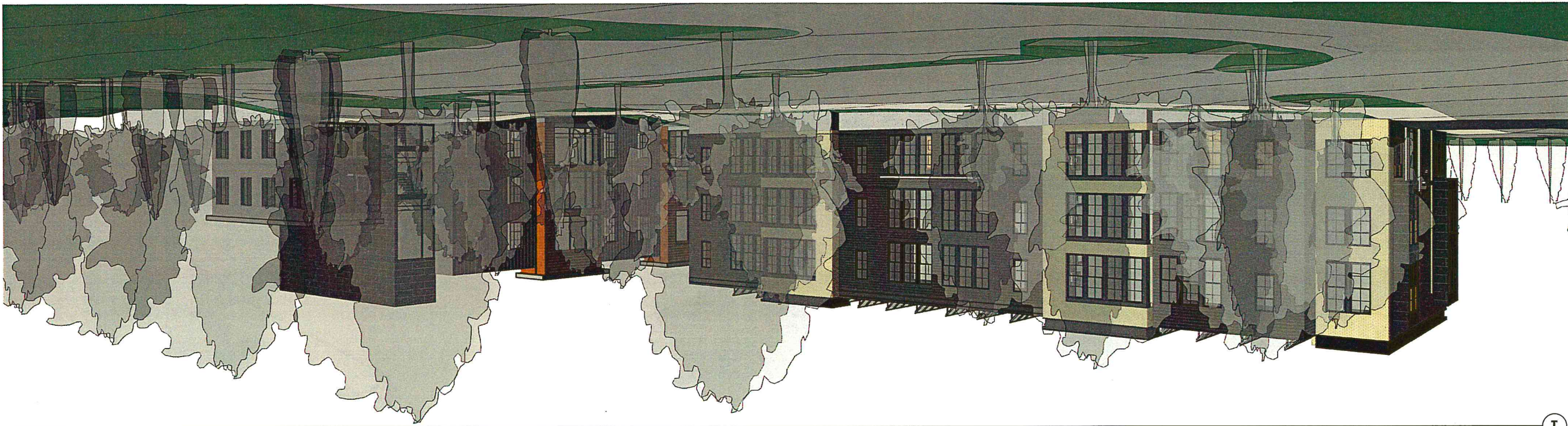
SHEET NUMBER

A902

08/05/2015



1 VIEW FROM ENTRANCE AT COLCHESTER AVE



2 VIEW FROM PARKING LOT BEHIND DOCTORS OFFICE

REVISIONS	
No.	Description

PRELIMINARY
NOT FOR
CONSTRUCTION

3D VIEWS

SCALE:

72, 80, 94 COLCHESTER AVE - 27 FLETCHER PL.
MILLER - VONTURKOVICH
BURLINGTON, VERMONT



Rabideau
Architects

501 Lawrence Road
Suite 101
South Burlington, VT 05403
RabideauArchitects.com

PROJECT #:
1412

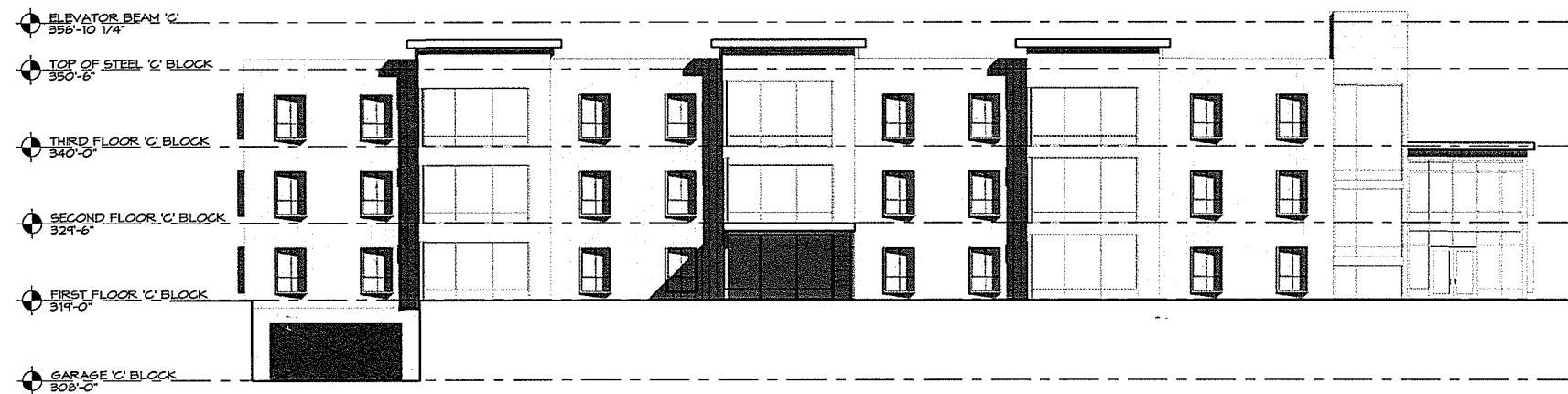
SHEET NUMBER

A901

08/05/2015



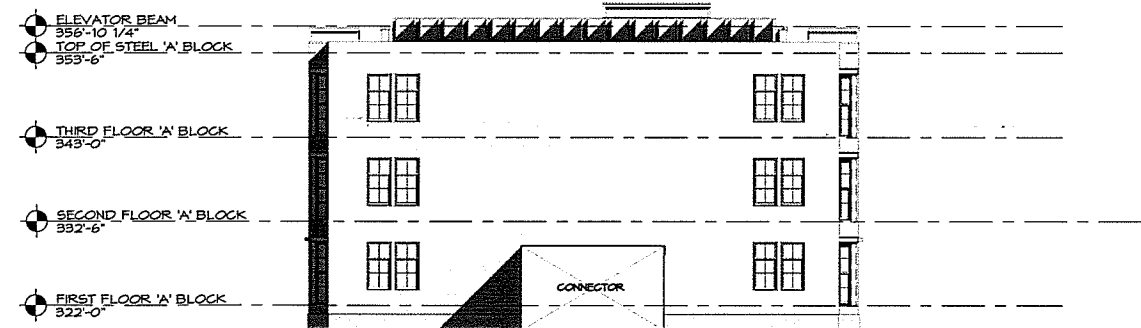
2 NORTH ELEVATION BLDG 2
3/32" = 1'-0" Referenced From: A102



3 SOUTH ELEVATION BLDG 2
3/32" = 1'-0" Referenced From: A102



4 SOUTH ELEVATION
3/32" = 1'-0" Referenced From: A102



1 NORTH ELEVATION BLDG 1
3/32" = 1'-0" Referenced From: A102

PRELIMINARY
NOT FOR
CONSTRUCTION

No.	Description	Date

EXTERIOR BUILDING ELEVATIONS
SCALE: 3/32" = 1'-0"

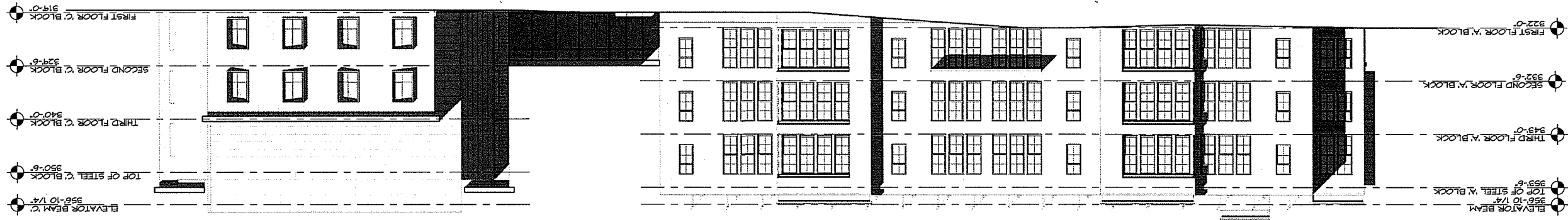
72, 80, 94 COLCHESTER AVE - 27 FLETCHER PL.
MILLER - VONTURKOVICH
BURLINGTON, VERMONT

250 Westinghouse
South Burlington, VT 05403
802-883-8022
Rabideau@colchester.com

Rabideau Architects

PROJECT #: **1412**
SHEET NUMBER

A202



08/05/2015

A201

SHEET NUMBER

PROJECT #:

1412



Rabideau Architects

500 Weston Road
Suite 101
South Burlington, VT 05403
Rabideau Architects.com

EXTERIOR BUILDING ELEVATIONS

SCALE: 3/32" = 1'-0"

72, 80, 94 COLCHESTER AVE - 27 FLETCHER PL.
MILLER - VONTURKOVICH
BURLINGTON, VERMONT

REVISIONS	
No.	Description

PRELIMINARY
NOT FOR
CONSTRUCTION



PO Box 4248, Burlington, VT 05406
802-860-2200/phone
802-860-1097/facsimile

SENT VIA EMAIL

March 31, 2016

Attention: Scott Gustin
Burlington Planning and Zoning
City of Burlington
149 Church St.
Burlington, VT 05401
802-865-7189/phone
sgustin@burlingtonvt.gov

**Re: 16-08959CU; 616 South Willard St (Ward 6S, RL) (Tax Lot No. 054-2-017-000)
Request the Development Review Board (DRB) to Re-open**

Dear Scott,

We would like to request the DRB re-open the request for amending conditions of zoning permit 07-524CA/ to allow for shared offsite parking that was before the DRB on March 15, 2016.

We have new information relative to the parking, our needs and how it works.

I can be reached at 802-860-2200 if you need anything further.

Thank you,

A handwritten signature in blue ink, appearing to read 'Maura D. Fitzgerald', is written over a blue circular stamp.

Maura D. Fitzgerald
Majestic Car Rental Group

Susan and Robert Butani

31 Fletcher Place

Burlington, VT 05401

susan.butani@gmail.com

robert.butani@gmail.com

March 31, 2016

Burlington Development Review Board

149 Church Street

Burlington, VT 05401

Attention: Mary O'Neil, Project Manager

**Re: von Turkovich/Miller Colchester Ave/Fletcher Pl Project
Development Review Board Sketch Plan: April 5, 2016**

Dear Members of the Development Review Board:

We continue our opposition to the von Turkovich/Miller development as proposed. The mammoth size and appearance of this project will have a damaging effect on the surrounding historic residential neighborhood. While we support more housing in Burlington for working people and families, we believe that Mr. von Turkovich's project does not address Burlington's critical housing needs. Also, if this project is approved as currently proposed, it will harm the special nature of our neighborhood.

MASSIVE SIZE OF PROJECT IS INCOMPATIBLE WITH OUR NEIGHBORHOOD

Fletcher Place is a residential community of houses listed on the Vermont State Register of Historic Places. By relying on his option to purchase uninhabitable land (a ravine), Mr. von Turkovich seeks to squeeze the maximum number of units onto a postage stamp-size area. There are too many units and it's too dense.

This enormous structure, less visible when viewed from Colchester Ave., will effectively tower over Fletcher Place, overwhelming its historic and residential nature and destroying its character. This proposed project will cause an increase in vehicular traffic and pedestrian cut-through (already an issue), which will have a toxic effect on the Fletcher Place residents' quality of life. Mr. von Turkovich's project does not relate to the surrounding neighborhood. Not only is it incompatible with the historic surrounding buildings, it has the effect of a looming and overpowering behemoth, diminishing the historic appeal of our neighborhood.

TARGET POPULATION

Since April 2012, Mr. von Turkovich has repeatedly stated that his development will primarily house employees of the medical center and the university. Mr. von Turkovich has stated that the majority of his units (one bedroom units) will be priced at approximately \$1,500 per month. This is likely to attract only a short-term tenant population inevitably resulting in tenants without

roots in our neighborhood. Mr. von Turkovich's project is likely to be heavily weighted toward students living unsupervised in a dorm-like atmosphere.

Mr. von Turkovich has represented that he will put in place conditions that would discourage student renters. We are skeptical of Mr. von Turkovich's assurances. The idea of tenants who are not integrated into our neighborhood community, partying and drinking late into the night, possibly on a rooftop patio, is disquieting. We are very concerned that if this project is approved as currently proposed, Fletcher Place will lose its beauty and residential quality.

We request that Mr. von Turkovich provide his data substantiating his assertions that there is an actual rental market primarily from hospital and university employees at the rents he is seeking. We request that Mr. von Turkovich make this information available to the Fletcher Place residents.

RENEWED REQUEST FOR TECHNICAL STUDIES

We believe that Mr. von Turkovich's proposed project will sit on challenging topography and unknown landfill. Mr. von Turkovich has stated that he has done test borings and performed geotechnical analyses on the project's site. In January we requested that Mr. von Turkovich provide us with that material. We renew our request so that we can conduct our own independent review and offer comments in connection with Mr. von Turkovich's representations and conclusions.

Thank you for your consideration.

Sincerely,



Susan Butani



Robert Butani

Attachment: January 4, 2016 Letter to the Design Advisory Board

Please post our letter to the Burlington Development Review Board's public website.

Susan and Robert Butani

31 FLETCHER PLACE
BURLINGTON, VT 05401

susan.butani@gmail.com
robert.butani@gmail.com

January 4, 2016

Burlington Design Advisory Board
149 Church Street
Burlington, Vermont 05401

Attention: Mary O'Neil

Re: **Von Turkovich/Miller Colchester Ave/Fletcher Pl Project**
Design Advisory Board : January 12, 2016

Dear Design Advisory Board:

At the Sketch Plan meeting held before the Burlington Design Review Board on November 4, 2015, the applicant indicated that geotechnical analyses had been performed regarding the von Turkovich/Miller Colchester Ave/ Fletcher Place project presently before the city.

We believe that the applicant's latest proposed project may sit on or be adjacent to land with a challenging topography. This includes unknown landfill (supposedly done in part to address runoff and flooding), a steep ravine and an underground stream that empties into the Winooski River.

These features add to our concerns regarding this proposed project which is massive in scale and is out of character with the surrounding historical neighborhood. Although this is a sketch plan review, it seems that this is the time to ensure that the placement of this project at this location is appropriate. A second look at the analyses already completed can provide clarification of development options, provide re-assurance to the applicant and neighbors and provide an opportunity, if necessary, for re-evaluation and adjustment of the project.

We request that the applicant provide all geotechnical studies and/or analyses that are in existence. We request these analyses now in order to be able to review them and offer comments in connection with the applicant's representations and conclusions.

We further request that this letter be posted on the Burlington Design Advisory Board's public website.

Thank you,



Susan Butani



Robert Butani