

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin
DATE: August 20, 2013
RE: 14-0030CU; 31 Stanbury Road

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

Zone: RL Ward: 4

Owner/Representative: Abigail Knapp

Request: Establish a small daycare center for up to 10 children and retain single family home use. No site or exterior building changes proposed.

Applicable Regulations: Article 3 (Applications and Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), and Article 8 (Parking)

Background Information:

The applicant is seeking approval to establish a "small daycare center" (as defined in the Comprehensive Development Ordinance) for up to 10 children within an existing single family home. Small daycare centers are allowed as stand-alone conditional uses in the RL zone and, therefore, do not require review as home occupations nor are they subject to the limitations associated with home occupations. No site or exterior building alterations are proposed.

Previous zoning actions for this property are noted below.

- 9/8/05, Approval to extend hip roof, alter the pitch, and install new shingles
- 5/30/02, Approval to construct a rear deck
- 9/9/97, Approval to install vinyl siding and associated trim
- 10/3/61, Approval to install patio one foot from the northern site property line

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

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

(1) The capacity of existing or planned community facilities;

The proposed small daycare center will entail little additional impacts on community facilities currently serving the residence and the neighborhood. Demands on wastewater may increase. The applicant is responsible for inquiring with the Vermont Department of Environmental

Conservation, Wastewater Division as to the need for a wastewater permit for the proposed use. **(Affirmative finding as conditioned)**

(2) The character of the area affected;

The home is located in an area defined by detached single family homes on ~1.4 acre lots. It reflects the intent of the RL zone, albeit lacking the occasional duplex. The proposed small daycare center will operate part time and will be located within the existing home and, presumably, backyard. As proposed, it fits reasonably well within the character of this neighborhood.

(Affirmative finding)

(3) Traffic on roads and highways in the vicinity;

Children will be dropped off between 8:20 AM and 8:45 AM and picked up between 12:30 PM – 12:55 PM on the days of operation: Tuesday, Wednesday, and Thursday. Up to 10 children could generate up to 10 drop-offs and pick-ups, that is 20 trips per day when operating. The applicant proposes to stagger drop-offs and pick-ups so that no more than 2 vehicles are present onsite at a time. Stanbury Road is a local street with relatively little traffic. Drop-offs will occur during the AM peak hour; however, the pick-ups will occur well before the PM peak hour. Impacts on traffic flow and generation will be minimal. **(Affirmative finding)**

(4) Bylaws then in effect;

As conditioned, the proposed daycare center complies with applicable bylaws. **(Affirmative finding)**

(5) Utilization of renewable energy resources;

Not applicable.

(6) Cumulative impacts of the proposed use;

The proposed small daycare facility will operate just three mornings per week with up to 10 children. Cumulative impacts are expected to be minimal. **(Affirmative finding)**

(7) Functional family;

Not applicable.

(8) Vehicular access points;

The subject property is served by a private driveway. Additional access points or parking barriers are not necessary for this application. **(Affirmative finding)**

(9) Signs;

No signs are proposed. **(Affirmative finding)**

(10) Mitigation measures;

The proposed small daycare center will not generate heat, noise, or glare sufficient to warrant mitigation measures. **(Affirmative finding)**

(11) Time limits for construction;

Not applicable.

(12) Hours of operation and construction;

The proposed hours of operation are 8:30 AM – 12:30 PM, Tuesday, Wednesday, and Thursday. These hours limit the daycare operation to those times when most residents are away at work and will thereby limit the potential for adverse impacts on neighboring properties. **(Affirmative finding as conditioned)**

(13) Future enlargement or alterations;

Any future enlargement or alterations of the small daycare center will require additional permit review per the regulations in effect at that time. **(Affirmative finding as conditioned)**

(14) Performance standards;

Not applicable.

(15) Conditions and safeguards;

Approval of this project will be conditioned to implement the purposes of the zoning regulations. **(Affirmative finding)**

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The subject property is located in the RL zone. This zone is intended primarily for low density residential development in the form of single family homes and duplexes. The primary use will remain that of a single family home. The proposed small daycare center is allowed as a conditional use. **(Affirmative finding)**

(b) Dimensional Standards & Density

Not applicable.

(c) Permitted & Conditional Uses

The single family home is a permitted use. The proposed small daycare center requires conditional use review. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No driveway setback encroachments are being sought. **(Not applicable)**

2. Height

No height bonuses are being sought. **(Not applicable)**

3. Lot Coverage

No lot coverage bonuses are being sought. **(Not applicable)**

4. Accessory Residential Structures and Uses

No new accessory structures are sought. **(Not applicable)**

5. Residential Density

No exceptions to the occupancy limits of the home are sought. **(Not applicable)**

6. Uses

No neighborhood commercial use is included in this proposal. **(Not applicable)**

7. Residential Development Bonuses

No development bonuses are being sought. **(Not applicable)**

Article 5: Citywide General Regulations

Part 4: Special Use Regulations

Sec. 5.4.1, Small Day Care Center

(a) No playground equipment shall be located within the front yard.

No playground equipment is proposed in the front yard. **(Affirmative finding)**

(b) No more than 20 full-time children are to be served.

Up to 10 children will be served. **(Affirmative finding)**

(c) The site plan review shall insure adequate and safe drop-off and pick up space is provided and that traffic problems are not created.

The driveway is 40' long and leads to a single bay garage. There is sufficient room to contain two parking spaces (with a 1-space waiver under Article 8 below) while also providing space at the end of the driveway for pick-ups and drop-offs. As long as pick-ups and drop-offs are staggered as proposed, this arrangement should be adequate. **(Affirmative finding)**

(d) Any additions, signage, or site improvements shall be residential in character.

No site or building changes are proposed, nor are any signs. **(Affirmative finding)**

(e) The facility shall be licensed or registered by the State of Vermont.

The application indicates that the small daycare center will be licensed by the State of Vermont. Such proof of licensing will be required. **(Affirmative finding as conditioned)**

(f) No more than one residential unit may be converted for the creation of a single small day care center...

Not applicable.

(g) The neighborhood is not overburdened with other day care centers.

A review of the Stanbury Road zoning permit file reveals no other permitted daycares.

(Affirmative finding)

Article 5: Citywide General Regulations

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to result in creating a nuisance under this criterion. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The existing single family home requires 2 parking spaces. These two spaces are presently provided in the existing 1-car garage and driveway. The proposed small daycare center requires 1 parking spot (1 space per 2 employees; 1 employee is proposed = 0.5 rounded to 1 space). The driveway and garage are sufficient to contain two parking spaces and the pick-up and drop-off spot

required under Sec. 5.4.1. A 1-space waiver is requested per Sec. 8.1.15 below. (**Affirmative finding**)

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

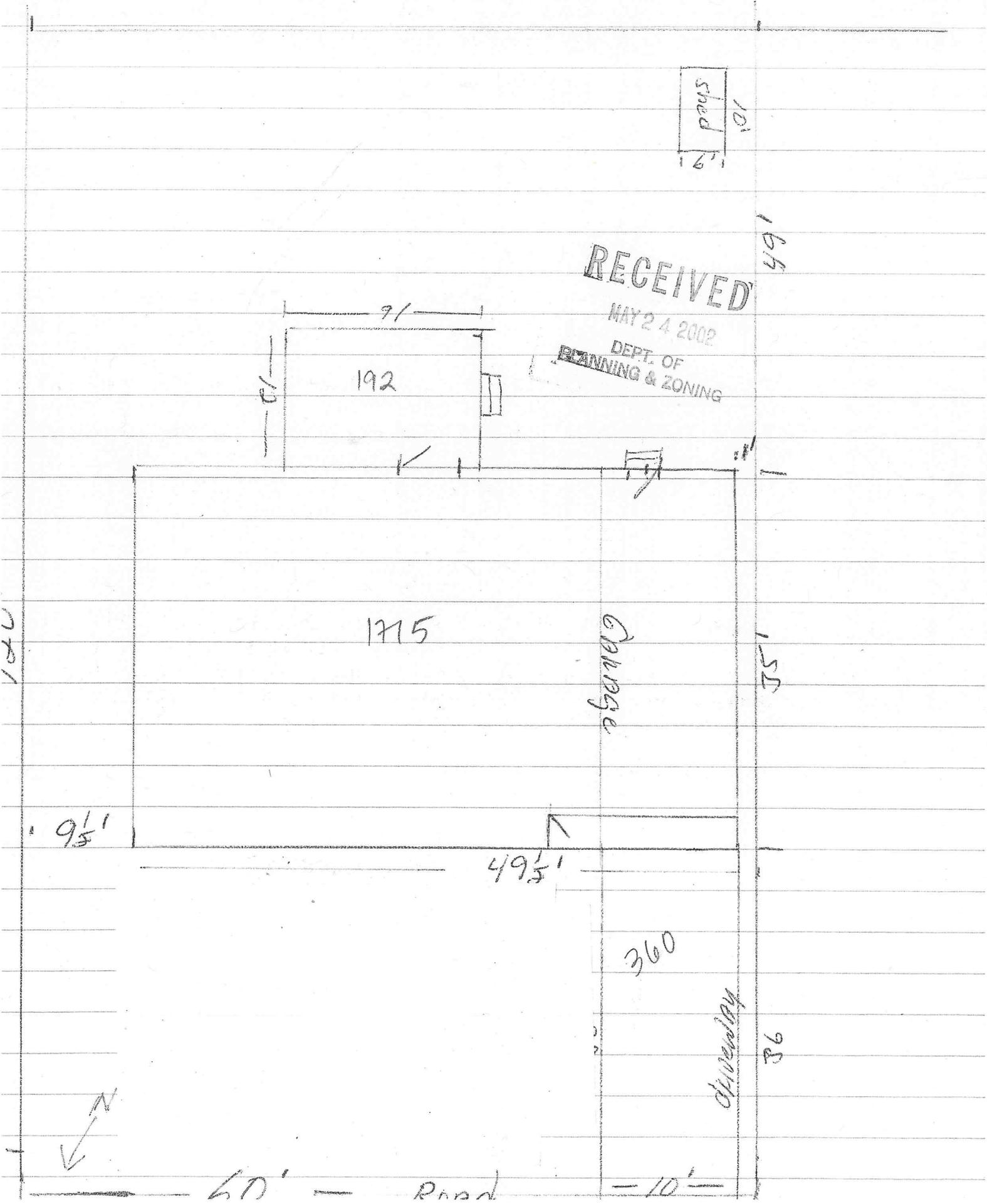
A 1-space parking waiver is requested. A very basic parking management plan has been provided that encourages carpooling, biking, and walking to the proposed daycare. While use of alternative transportation modes such as these may well occur, there is no way to require them. More importantly than the alternative modes of transportation, the parking management plan proposes shared use of the home's required spaces. The home requires 2 parking spaces. During the hours of operation of the daycare center, at least 1 of those spaces is expected not be used by the residents. That 1 space would be used for the daycare center. Shared use such as this is workable, reasonable, and makes more efficient use of limited parking. (**Affirmative finding**)

II. Conditions of Approval

1. A State of Vermont wastewater permit may be required. It is the applicant's responsibility to inquire with the Vermont Department of Environmental Conservation, Wastewater Division as to the need for a wastewater permit for the proposed use.
2. **Prior to issuance of a certificate of occupancy**, the applicant shall provide written proof of licensing by the State of Vermont for a small daycare center.
3. This approval includes a 1-space parking waiver.
4. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other state or federal permit(s) as may be required, and shall meet all energy efficiency codes as required.
5. The hours of operation shall be, as proposed, 8:30 AM – 12:30 PM, Tuesday, Wednesday, and Thursday. Any increase in hours or days of operation will require the applicant to submit for and obtain conditional use approval from the Development Review Board.
6. Standard permit conditions 1-14.

-10'

31 Stanley Rd Site Plan



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Parking Management Plan for Burlington Forest Preschool @ 31 Stanbury Road

Burlington Forest Preschool is comprised of myself, Abby Knapp, and Nicole Mandeville, my business partner and co-teacher. We will have up to 10 students at a time. We will be in session three days a week from 8:30 until 12:30 Tuesdays, Wednesdays and Thursdays. During those days, we will allow two families to arrive every in every five minute period between 8:20 and 8:45 a.m. We will use the same phased approach for pickup between 12:30 and 12:55pm. This will ensure that there are only two cars at the house at a time. The only traffic to the household will be from my business partner Nicole and the parents and their children at those designated times (around 8:30 a.m. and 12:30 p.m.).

We will encourage families to carpool, use the bus, bike and walk to arrive at the preschool. Our home is a half mile walk from the bus stop and is conveniently located on the Burlington Bike Path. We will provide a discount to families who continuously use alternative modes of transportation.

My partner Matt and I own one vehicle. Matt is not part of the preschool and will be using the vehicle for his job off-site during the preschool hours. Whenever preschool is in session, our household will require zero parking spaces, so we propose that the preschool use the two parking spaces that we have at our household during business hours.

Parking Spaces (2 total):

1 inside the garage of 31 Stanbury Road

1 in the driveway of 31 Stanbury Road

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Burlington, VT 05408
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