

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
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin *AG*
DATE: January 7, 2014
RE: 14-0645CU; 92 Overlake Park

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: 6

Owner/Representative: Mara Coven

Request: Change from registered home daycare to small licensed daycare.

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 change an existing “family” daycare that allows up to 6 children 2 years of age or older to a “small” daycare center (as defined in the Comprehensive Development Ordinance) which allows up to 20 children 2 years of age or older. This proposal is for 12 children in the day care 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. The single family use will continue within the home. No site or exterior building alterations are proposed.

Previous zoning actions for this property are noted below.

- 8/2/12, Approval to construct new deck and replace French door
- 9/29/06, Approval for installation of new storage shed
- 10/22/03, Approval to establish family day care
- 6/4/02, Approval of renovations and addition to single family home
- 7/14/94, Approval to replace roof with asphalt shingles
- 8/17/76, Approval to install a wood picket fence

Recommendation: Consent 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 relatively large (~½) 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 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 8:25 AM and 8:45 AM and picked up between 12:00 PM – 2:30 PM on the days of operation: Monday – Friday (closed at noon on Friday). Up to 12 children could generate up to 12 drop-offs and pick-ups. Presently, pick-ups and drop-offs for the family day care utilize the driveway. The applicant proposes to continue doing so.

(Affirmative finding)

(4) Bylaws then in effect;

As conditioned, the proposed daycare center complies with applicable bylaws.

(5) Utilization of renewable energy resources;

Not applicable.

(6) Cumulative impacts of the proposed use;

The proposed small daycare facility will operate part time Monday – Friday with up to 12 children. Cumulative impacts are expected to be minimal.

(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.

(9) Signs;

No signs are proposed.

(10) Mitigation measures;

The proposed small daycare center will not generate heat, noise, or glare sufficient to warrant mitigation measures.

(11) Time limits for construction;

Not applicable.

(12) Hours of operation and construction;

The proposed hours of operation are 8:30 AM – 2:30 PM, Monday-Thursday and 8:30 AM – noon on Friday. The application contemplates additional flexibility in hours should the need arise. The applicant must provide a firm schedule for inclusion in this permit. If hours outside of those noted are contemplated, they must be specified. **(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 residential 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 12 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 66' long and leads to a single bay garage. There is sufficient room to contain three stacked parking spaces while also providing space at the end of the driveway for pick-ups and drop-offs. As with present conditions, 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 Overlake Park 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 three stacked parking spaces and the pick-up and drop-off spot required under Sec. 5.4.1. Stacked parking is allowed under Sec. 8.1.14, *Stacked and Tandem Parking Restrictions* if an attendant is present to move vehicles. As the 3rd parking space will only be required while the daycare is in operation and the additional employee is present, someone will always be available to move the vehicle(s). A written guarantee from the applicant must be filed with the city ensuring that an attendant will always be present when the stacked parking arrangement is in operation. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. Prior to release of the zoning permit, a written guarantee from the applicant must be filed with the city ensuring that an attendant will always be present when the stacked parking arrangement is in operation. The written guarantee is subject to staff review and approval.
2. 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.
3. **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.
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 Monday - Thursday 8:30 AM – 2:30 PM and Friday 8:30 AM - noon. 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 1-15.

Mara Coven
Home Occupation Application Questionnaire

RECEIVED
DEC 11 2013

DEPARTMENT OF
PLANNING & ZONING

Description of Proposed Use:

Currently, and for the past 18 years, I am running a Registered Family Child Care Home in my home at 92 Overlake Park. I am applying to upgrade my status to Licensed Family Child Care Home. As part of this process I need local zoning approval.

As a Registered provider I am permitted to care for up to 6 children who are 24 months or older. As a Licensed Provider I would be permitted to care for up to 12 children 24 months or older. As a Licensed Provider there is an opportunity of accepting children under Act 62. This would provide subsidized tuition for pre-school children for whom there is not availability of public pre-school. There is a significant need for quality child care.

Days and Hours of Operation:

Currently I provide care from 8:30 am – 2:30 pm Monday-Thursday and 8:30 am – 12 noon Friday.

I anticipate maintaining a similar schedule but want to remain flexible to parent needs for earlier or later care.

Number of Employees:

Currently I am the sole caregiver. As a Licensed Provider for 7 to 12 children 24 months or older two caregivers are required.

Traffic generation and Parking Analysis:

Parking is available in my 66' driveway for 1 staff member and 2 parents dropping off or picking up. Parking is available for my car in the garage. Ample curbside parking is always available.

Currently parents of the 6 children in care park in my driveway or curbside. Drop off occurs 8:25 am – 8:45 am. Pick up occurs 12 noon- 2:30 pm. In the years that I have been providing daily care for 6 children there have been no traffic congestion or parking problems. Overlake Park is a low traffic volume residential cul-de-sac. I do not anticipate a problem with even a maximum increase of 6 children. Almost all residents of Overlake Park have two car garages and/or multiple driveway parking places, so curbside parking is readily available. Parents are here for only a brief time. As parents of small children, they are relatively cautious and attentive drivers. Some children walk or bike with their parents to my home. At times I am caring for siblings. Should a problem arise, it would not be difficult to stagger drop off and pick up times.

Site Plan attached.

Mara Coven
Home Occupation Application Questionnaire

RECEIVED
DEC 11 2013

Floor Plan and Use:

DEPARTMENT OF
PLANNING & ZONING

Each child in Licensed Family Child Care is required at least 35 sq. ft. of safe, usable indoor space.

Currently, care is provided in the 18' x 28' addition to the west side of my home.

$18' \times 28' = 504 \text{ sq. ft.} / 35 \text{ sq. ft.} = 14 \text{ children}$

If I do increase care to the full 12 children, I anticipate transforming and using my living room (14'x27') and/or dining room (12'x12'8") as well. This was the site of my original child care program for 8 years prior to the addition on the west side.

No new construction, plumbing or electrical work is required.

Site Plan attached.

27 Overman Road

DEC 12 2013



1st Avenue Park

DEC 12 2013
DEPARTMENT OF







RECEIVED
DEC 11 2013

DEPARTMENT OF
PLANNING & ZONING

