

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin
DATE: September 20, 2016
RE: 16-1145CA/MA; 207 Flynn Avenue

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

Zone: ELM Ward: 5S

Owner/Applicant: Vermont Railway, Inc. / City Market

Request: Construct new building for retail grocery and associated uses. Also construct site improvements and subdivide lot.

Applicable Regulations:

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 10 (Subdivision)

Background Information:

The applicant is seeking approval to construct a new mixed use building – primarily for retail grocery but also containing a café and community space. In addition, a parking lot, stormwater infrastructure, and related site improvements will be constructed. The single parcel will also be subdivided into two lots. Nearly all of the development will take place on lot 1. Lot 2 will remain as-is. Demolition of existing buildings onsite has been approved under separate zoning permits.

No sketch plan was submitted. While recommended, it is not required. The required NPA meeting took place February 18, 2016. This project was reviewed by the Technical Review Committee on April 14, 2016.

The Conservation Board reviewed it May 2, 2016 and unanimously recommended approval, subject to final review and approval of the stormwater management plan and erosion prevention and sediment control plan by the city's stormwater program staff.

The Design Advisory Board reviewed this application May 10, 2016 and unanimously recommended approval subject to the following conditions:

1. Provide a safe, well-defined pedestrian route through the parking lot, such as by adding an east/west walkway within the parking lot to connect to the Briggs Street walkway.
2. Provide a parking lot shading analysis demonstrating at least 30% parking lot shading. Also provide anticipated mature tree canopy dimensions.

3. Provide screening for all rooftop mechanicals visible from Flynn Avenue or Briggs Street.

Revised project plans were submitted to address these conditions.

This project was originally scheduled for the Development Review Board on July 5, 2016. The applicants requested deferral in order to better address traffic and other outstanding items. The public hearing was deferred by the DRB. A public hearing was held August 17, 2016. The public hearing was closed that same day, and the DRB deliberated August 22, 2016. At its deliberative meeting, the DRB acted to re-open the public hearing to address the following items:

- Describe how an eastbound right turn lane at Champlain Parkway and Flynn Avenue can be provided (with revisions to the site plan and subdivision plat as necessary) without loss of amenities at the Flynn Avenue entrance and along the Flynn Avenue frontage;
- Would a crosswalk across Flynn Avenue for pedestrian access to the site (subject to Dept. of Public Works review and approval) improve pedestrian circulation and safety; and
- Describe the delineation of the separate uses within the proposed building and how the project complies with the 30,000 sf limit for grocery stores in this portion of the ELM zone.

Additional information has been provided to address these three items and is noted in new underlined text in the findings below.

Previous zoning actions for this property are noted below.

4/21/16, Approval to demolish buildings 1, 9, and 10 on the property

9/13/02, Approval for freestanding sign

9/24/98, Approval for 3 parallel signs

7/23/98, Approval to change use in existing commercial space from office to retail

6/11/98, Approval to amend site plan approval related to approved salt shed

12/11/97, Approval for revised landscaping plan related to approved salt shed

6/5/97, Approval to change use from upholstery/canvas to retail

5/13/97, Approval for freestanding sign

1/27/97, Approval to replace outdoor site lighting

7/27/95, Approval to change roofing and façade materials

3/28/95, Approval to install fire separation and vents

9/8/94, Approval to construct 26,000 sf salt storage shed

5/17/94, Approval to install freestanding sign

10/28/93, Approval of amendment to prior roadway connection to adjacent truck terminal

9/23/93, Approval to demolish portion of existing building and related site work

8/11/93, Approval for freestanding sign

8/11/93, Approval to change use from vacant industrial to taxi operation

6/17/93, Approval to change use from vacant office space to upholstery shop

4/19/90, Approval to establish cardboard recycling center

4/17/89, Approval to allow truck terminal and related construction

12/1/88, Approval for construction of stairwell and for installation of replacement siding

3/13/80, Approval of 2-lot subdivision

7/3/75, Approval to erect a 20' X 24' industrial building

12/13/73, Approval to install an 8,500 underground gasoline storage tank

Recommendation: Major Impact & Certificate of Appropriateness approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

1. *Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The proposed development will be served by municipal utilities. Sufficient water and sewer service are available. A State of Vermont wastewater permit will be required. A capacity letter issued by the Dept. of Public Works will be required prior to issuance. **(Affirmative finding as conditioned)**

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The subject property is located within the Enterprise – Light Manufacturing zone. This zone is intended primarily for manufacturing, distribution, processing and the like; however, other commercial uses are allowed. The proposed grocery store is one of those allowed uses. It is situated in a location with ready access from other nearby commercial uses and a large residential neighborhood. **(Affirmative finding)**

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The proposed grocery store is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. The proposed construction is set relatively far from homes in the adjacent neighborhood. **(Affirmative finding)**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

A traffic analysis as revised to address initial comment from the Dept. of Public Works and neighborhood input has been provided. The analysis centers on anticipated peak trip generation for the grocery store – weekday PM peak hour. It does not address anticipated total daily trip generation or weekend peak hours. Intersection analyses are also included in the study – Pine Street/Flynn Avenue, Briggs Street/Flynn Avenue, Flynn Avenue/Champlain Parkway, and the driveway intersection with Flynn Avenue. Build and no-build scenarios are addressed in 2017 and 2022 with and without the Champlain Parkway.

Anticipated weekday PM peak hour trip generation is significant at 320 trips (165 entering and 155 exiting). This total includes 60 non-vehicular trips (i.e. walk, bike, transit). Of the 260 vehicular trips, 130 are expected to be newly generated destination type trips (i.e. newly generated specifically to go to-from the supermarket). The analysis also states this total figure incorporates the 30 anticipated weekly truck trip ends; however, truck trips are mostly between 6:00 AM and 10:00 AM. The PM peak hour trip generation would necessarily exclude most of the truck traffic.

Intersection level of service (LOS) remains good in most scenarios with A's and B's. Southbound movements from 208 Flynn Avenue at the Briggs and Flynn intersection will drop from B to C in 2022 under the "build" scenario. The Flynn and Champlain Parkway intersection will be impacted most significantly with a 37-second increase in delay and a concurrent drop in LOS from E to F in the 2022 "build" scenario. The analysis suggests that this forecast, based on the FSEIS for the Parkway, may be overly conservative as it assumes a 10% increase in all traffic volumes.

Substantial public comment has been received that requests closing off Ferguson, Lyman, and Morse to prevent cut-through traffic associated with the new supermarket. Doing so prior to construction of the parkway is infeasible.

The traffic study includes recommendations for mitigation. The Flynn Avenue driveway should be the primary access point into the site. This recommendation is reflected in the current site plan. A post-construction analysis of traffic flows through Foster, Pine, and Briggs Streets is recommended as a way to evaluate actual traffic impacts through this neighborhood. While the traffic study does not state as much, depending on the outcome of this post construction analysis, appropriate traffic calming measures may be warranted. The traffic study makes further recommendations as to street improvements related to the Champlain Parkway. Pursuit of these recommendations will necessitate a cooperative effort between the Dept. of Public Works and the applicants.

Written comments from the Department of Public Works have been provided based on this latest traffic analysis. This correspondence, dated August 8, 2016 will be incorporated into the record and related project conditions. Comments pertain to the width of the proposed Flynn Avenue driveway, the Parkway and Flynn Avenue intersection, neighborhood traffic calming, and traffic implications relative to building size. They also note the need for a public sidewalk along Briggs Street. See Sec. 6.2.2 (j) for details.

Significant discussion centered on the need to preserve the opportunity for an eastbound right turn lane where Flynn Avenue intersects with the Champlain Parkway. After consultation with the Department of Public Works, the site layout has been revised. The building location has been shifted 3' to the south. Written confirmation from Norman J. Baldwin, Asst. Director of Public Works has been provided asserting that the revised site plan will allow the city the opportunity to develop an eastbound right turn lane if necessary in the future.

This project will generate substantial traffic. Both the traffic study and the Department of Public Works call for mitigation measures. Subject to final review and approval by the Department of Public Works, a post-construction traffic analysis of neighborhood traffic impacts called for in the July 27, 2016 Traffic Impact Study shall be executed at the cost of the applicant. Traffic calming measures warranted as a result of that analysis shall be implemented at the cost of the applicant. Page 2 bullet point items called for in the August 8, 2016 letter from Norman J. Baldwin shall be implemented at the cost of the applicant, except that half the cost of the new public sidewalk along

the parcel's Briggs Street frontage shall be borne by the applicant. **(Affirmative finding as conditioned)**

and,

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the project design. **(Affirmative finding)**

and,

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

Technical Review Committee comments relative to applicable City bylaws have been provided following the April 2016 review.

(b) Major Impact Review Standards

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

No significant air or noise pollution is anticipated as a result of this development.

See Sec. 5.5.3 for stormwater management. **(Affirmative finding)**

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

See Sec. 3.5.6 (a) 1.

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

See Sec. 3.5.6 (a) 1.

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;*

See Sec. 5.5.3.

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 Sec. 3.5.6 (a) 4.

6. *Not cause an unreasonable burden on the city's ability to provide educational services;*

No impacts on the city's educational system are anticipated as a result of this purely commercial development. **(Affirmative finding)**

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, those impacts are expected to be relatively modest. Impacts will be mitigated by payment of impact fees. **(Affirmative finding as conditioned)**

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 Article 6 for effects on significant natural areas, historic buildings, and archaeological significance.

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 proposed development is located within the ELM zone – an area of the city specifically zoned for a variety of commercial land uses. The project will not adversely impact the city's present or future growth patterns. The development is of a relatively moderate scale and is not expected to have an undue adverse impact on the city's ability to accommodate growth. **(Affirmative finding)**

10. *Be in substantial conformance with the city's municipal development plan;*

Several provisions of the Municipal Development Plan target the Enterprise zones for new commercial investment and development (Land Use Policies, pg. I-2; Growth Areas, pg. I-22 {The Enterprise District}). Further, this project brings about new investment to a site with significant soil contaminants (Land Use Policies, pg. I-23 {Brownfields}). City Market encourages the use of alternative transportation and is working with CCTA to provide bus service to the site (Transportation System Plan, pg. V-12). As required, the new building will comply with present energy efficiency standards of the city and state (Energy Plan, pg. VIII-1). **(Affirmative finding)**

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 proposed commercial development will have no impact on the present or projected housing needs of the city. **(Affirmative finding)**

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

Little impact on the city's park and recreation needs is expected as a result of this development. What impact there is will be mitigated by payment of impact fees. **(Affirmative finding as conditioned)**

(c) Conditions of Approval:

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.*

The proposed development will likely not generate offsite noise or glare substantial enough to require mitigation. Screening of the parking lot along Briggs Street is proposed in an effort to reduce the visual impact associated with this relatively large parking lot. **(Affirmative finding)**

2. *Time limits for construction.*

No construction timeline or phasing are included in the project plans. The standard 2-year timeframe for zoning permits will apply. **(Affirmative finding)**

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

The building is to be open for business 7:00 AM – 9:00 PM, seven days per week.

Construction hours are not noted in the application. Typical construction hours within or close to residential areas are Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request. No work on Sunday. **(Affirmative finding as conditioned)**

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

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

5. *Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

See the recommended conditions.

Article 4: Maps & Districts

Sec. 4.4.3, Enterprise Districts:

(a) Purpose

(1) Light Manufacturing (E-LM)

The subject property is located in the E-LM zone which is intended as the primary commercial/industrial center of Burlington. The proposed retail grocery store and related café are consistent with the array of commercial uses allowed in this zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

Proposed building area is 38,847 sf. FAR is 0.73 on the resultant (i.e. subdivided) 2.81 acre lot 1. This FAR is well below the 2.0 FAR limit in this zone.

Lot coverage on lot 1 will be 76%. This percentage is under the maximum allowable 80% coverage.

The proposed front yard setback has lengthened to 18' along Flynn Avenue and remains 5' along Briggs Street. The minimum required is 5'. Side yard setbacks are not applicable in the E-LM zone. This corner lot has no rear yard setback.

Maximum building height will be 40' 10" and is under the maximum permissible 45' height.

Note that, while no new development is proposed on lot 2, existing development will affect FAR and lot coverage percentages. That information must be provided. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

The proposed grocery store qualifies as “large” in the use table of the Comprehensive Development Ordinance. Large grocery stores are a conditional use in the E-LM zone so long as they do not exceed 30,000 sf and are located between Flynn and Home Avenues. The proposed building is primarily used for grocery store space but also includes a café, community room, and office space unrelated to the grocery store. Within the overall mix, space used specifically for the retail grocery totals 29,856 sf. The café is also a conditional use. The office space is a permitted use. The community room is uncharacterized in the Use Table. It amounts to an area within the building available to the community as a meeting or gathering space and culinary teaching space.

As the total building area exceeds 30,000 sf, the DRB requested additional information relative to the other uses and how the 30,000 sf grocery store limitation is adhered to. The applicant has provided additional narrative and floor plans explaining the mix of uses. While this project is commonly perceived as exclusively a grocery store, the proposal contains a legitimate mix of uses. The café, while related to the grocery store, is a separate use in Appendix A – Use Table – All Zoning Districts and defined in Article 13, Definitions. The 999 sf café functions as a small eatery with food preparation and service. Similarly, the proposed 1,588 sf community room serves no grocery function. It will provide space for community meetings and likely culinary classes. The 1,431 separate office space in the mezzanine is unrelated to grocery store function. To be clear, there is office space directly related to the grocery store included in the project plans, but this particular 1,431 sf space called out separately in the floor plans will be leased out to a commercial tenant. It is a separate, permitted use within this mixed use building. (Affirmative finding)

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.5.5 (b) above.

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

An outdoor lighting plan has been provided. Fixture locations are noted within the parking and circulation areas and for the loading bays. Fixture locations for the building's pedestrian entries are also noted. Fixture cutsheets have been provided and depict acceptable cutoff lighting fixtures. The parking lot lights are acceptably mounted at 20'. The photometric plan shows compliant parking and circulation illumination levels. Illumination levels are acceptable as well with averages below 5.0 footcandles. (Affirmative finding)

Sec. 5.5.3, Stormwater and Erosion Control

The proposed stormwater management system contains both structural and nonstructural elements. Two rain gardens are proposed along with an overall reduction in pervious surface. The contaminated soils onsite prevent utilizing infiltration, but the under-drained rain gardens will provide stormwater treatment and attenuation. Structural elements include catch basins and piping

that will connect to the city's combined storm/sanitary sewer. Overall stormwater discharge volumes will decrease for all design storm events. As noted by the Conservation Board, final approval of the proposed stormwater management plan (and erosion control plan) by the city's stormwater program is required. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Sec. 6.1.2, Review Standards

(a) Protection of important natural features

The proposed subdivision will have no impact on important natural features. **(Affirmative finding)**

(b) Block size and arrangement

Block size and arrangement will remain unchanged. **(Affirmative finding)**

(c) Arrangement of Lots

Both resultant lots will be regularly shaped, and both will have sufficient frontage on public streets. **(Affirmative finding)**

(d) Connectivity of streets within the city street grid

Not applicable.

(e) Connectivity of sidewalks, trails, and natural systems

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The property does not contain any important natural features as identified in the Open Space Protection Plan or as outlined in Sec. 4.5.4, *Natural Resource Protection Overlay Districts*. In fact, the property is nearly devoid of any green space at all. The proposed construction will have no impact on Burlington's diversity of important natural features. **(Affirmative finding)**

(b) Topographical alterations

The existing property is essentially flat and will remain so. Proposed grading will direct stormwater runoff into receiving stormwater management measures. **(Affirmative finding)**

(c) Protection of important public views

There are no significant public views from or through the subject property. The proposed construction will not adversely impact any identified public view corridor. **(Affirmative finding)**

(d) Protection of important cultural resources

The property has no known archaeological significance. It contains no archaeological site points, nor is it located within an archaeologically sensitive area. **(Affirmative finding)**

(e) Supporting the use of alternative energy

See Sec. 6.3.2 (f).

(f) Brownfield sites

The Vermont DEC Hazardous Site List specifically lists 207 Flynn Avenue as a contaminated site. Its brownfield status is active, and phase I and II assessments have been done. Contaminants include VOC's, metals, and PAH's. With the Conservation Board, the applicants addressed at length the site contamination and corrective actions to take place. Contaminated soils will be capped with proposed construction or clean top soil. A vapor barrier and associated ventilation will be installed with the store's foundation. The applicants continue to work with VT DEC to address onsite contaminants. **(Affirmative finding)**

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management.

There is sufficient room for onsite snow storage. Building entries are sheltered. **(Affirmative finding)**

(h) Building location and orientation

Although the building location has shifted south by 3' it continues to be set near the northeast corner of the site. It will serve as an anchor point at the corner of Briggs Street and Flynn Avenue. Multiple entries will provide access into the building. Entries will face Flynn Avenue, Briggs Street, and the parking lot. The west elevation, facing the railroad tracks, is the back-of-house elevation. **(Affirmative finding)**

(i) Vehicular access

Two access points will serve the property. The driveway from Flynn Avenue will serve as the primary access point. The Briggs Street access will be gated and will be accessible by emergency service vehicles only. Following construction of the Champlain Parkway, this second access point might be opened to general use if acceptable to the Department of Public Works.

As a corner lot, there are two street frontages and no way to put parking fully behind the building. As proposed, the parking will be set to the south of the proposed building. It will be screened by the new building as viewed from Flynn Avenue and set to the side as viewed from Briggs Street.

The Briggs Street driveway is 24' wide. The Flynn Avenue driveway is about the same width but flares widely with a mountable curb for delivery trucks. This configuration is necessary due to the median island in Flynn Avenue. Per Public Work's August 8, 2016 letter noted in Sec. 3.5.6 (a) 4, reduction in width of this flare is recommended if the median island can be modified.

(Affirmative finding as conditioned)

(j) Pedestrian access

Walkways and related hardscaping afford direct pedestrian access into the building from the public sidewalk. As recommended by the Design Advisory Board, project plans have been revised to create a pedestrian crossing midway in the parking lot. This new element provides direct access to the walkway along the eastern edge of the site. This walkway then provides access to the building.

Striping is depicted across the Briggs Street driveway to delineate pedestrian crossing continuous with the proposed walkway along the eastern edge of the property. No such delineation is depicted across the Flynn Avenue driveway. This arrangement may be acceptable because there is no public sidewalk further west along Flynn Avenue. Note that this section of sidewalk along Flynn

Avenue will be constructed as part of this project. Other related hardscape encroachments extend into the public street right-of-way at the Flynn Avenue and Briggs Street intersection. Construction of the sidewalk and encroachments into the public ROW is subject to review and approval by the Department of Public Works and (for encroachments) the City Council.

Public Work's August 8, 2016 letter noted in Sec. 3.5.6 (a) 4 calls for construction of a public sidewalk along Briggs Street following completion of the Champlain Parkway. Specifically, the applicants are requested to pay for half the cost of a public sidewalk along their parcel's street frontage. It is felt that increased activity associated with the new development warrants this public amenity.

At the behest of the Development Review Board, the applicant investigated provision of a north/south crosswalk across Flynn Avenue for pedestrian access to the site. Historically, there had been a crosswalk from 208 Flynn Avenue across the street to 207 Flynn Avenue. It has largely faded away. This crosswalk will be reestablished. The Department of Public Works has reviewed and concurs with this proposal. (Affirmative finding as conditioned)

(k) Accessibility for the handicapped

A group of handicap parking spaces is depicted near the primary building entrance. Entries into the building appear to be at-grade. It is the applicant's responsibility to comply with all applicable ADA requirements. **(Affirmative finding)**

(l) Parking and circulation

As noted above, parking is set to the side or rear of the building as perceived from Briggs Street or Flynn Avenue, respectively. Along Briggs Street, the parking lot will be screened with a line of new landscaping consisting of deciduous trees and shrubs. A single large center island will be provided in the parking lot. The westernmost double-stacked row of parking has no such island. The DAB declined to recommend one.

Parking spaces are slightly short at 9' X 18' (20' depth is the standard). Circulation isles are 24' wide allowing for 10' wide travel lanes and the standard 24' back up length. Some variation from these standards is permissible per Sec. 8.1.11, *Parking Dimensional Requirements*. The 18' deep parking spaces are acceptable.

Curbing is proposed along the eastern and northern ends of the parking area. None is evident along the western or southern ends. Landscaping along the periphery also serves to delineate the boundaries of the parking and circulation areas.

The proposed parking lot will require shade trees. This criterion establishes a target of 30% shading of the parking area with new shade trees. At least 1 shade tree for every 5 parking spaces is required. The new parking lot will contain 106 parking spaces and will require 21 shade trees. As proposed, 32 new shade trees will be planted within or around the parking lot. Minimum caliper size at the time of planting must be 2.5" – 3.5". As proposed, caliper size is compliant. A mature canopy diameter of at least 25' is needed. Canopy information provided denotes compliance. As recommended by the DAB, a parking lot shading analysis has been provided and depicts 32.19% shading at maturity.

Bike parking information has been provided. Bike racks will be provided near the building's Flynn Avenue entrance and by the Briggs Street entry. Enclosed long term bike parking facilities will be provided inside the building along with associated shower and locker facilities.

(Affirmative finding)

(m) Landscaping and fences

A comprehensive landscaping plan has been submitted and encompasses a diversity of plantings. Proposed landscaping will be used to frame the property and to screen parking from the street. It will be used to break up the surface parking lot and to define spaces within the site. Species and planting size information has been provided. There is a significant stretch of landscaping within the Briggs Street right-of-way between the proposed building and the street. This proposed landscaping has been reviewed and approved by the City Arborist. **(Affirmative finding)**

(n) Public plazas and open space

No public plazas or open space are included in this proposal. Outdoor café seating is proposed along the building's eastern elevation adjacent to the café space. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No ground-mounted mechanical equipment is apparent in the site plans. Two large compactors will be tucked in along the building's western elevation. They will be screened, in large part, by the building. Any new utility lines must be buried. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The proposed building totals 33,874 sf with a 24,250 sf 1st floor (additional area is related to a proposed stair tower and mezzanine). It reads as a moderately large single story building in character with other nearby commercial structures on Flynn Avenue.

The overall building volume is broken into distinct building sections. Recesses, protrusions, and varying rooflines emphasize perception of distinct building components. Varying materials and fenestration further serve to relieve perceived mass of the proposed building.

Building height varies depending on adjacent grade and roof plane. The highest point is ~ 41' tall. This height is under the maximum permissible 45' in the ELM zone. **(Affirmative finding)**

2. Roofs and Rooflines

The proposed building will include flat roofs on most building segments. Only the café has a shed roof. Such roof forms are common in the neighborhood and acceptable as part of the proposed building design. **(Affirmative finding)**

3. Building Openings

Sheltered entries will face Flynn Avenue and the parking lot. Both are readily identifiable. It appears that the café along Briggs Street will have its own entry with access to the outdoor seating. The fenestration is consistent with the boxy appearance of the building and is placed in consistent rhythm throughout. Storefront glazing along the café provides an open and airy feeling to this prominent feature. **(Affirmative finding)**

(b) Protection of important architectural resources

Demolition of existing structures has been approved under separate permit. Evaluation for historic significance took place via an historic site assessment and review by the VT State Historic Preservation Officer. No buildings either listed on an historic register or eligible for listing will be affected by the new construction. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The north and east building elevations define this structure's street face. Both have well defined entries sheltered underneath a projecting canopy. Ample glazing along the Briggs Street façade provide visual access into the building. The café and related outdoor seating area provide additional activation. The Flynn Avenue façade is less successful as a pedestrian interface. Half of it contains an entry and mural sheltered under a canopy. These elements clearly draw people towards the building entry. The other half, however, is fairly blank. Interior store layout drives the lack of ground-level glazing but additional improvement is encouraged. This building element was discussed at DAB, but no recommendation was made. **(Affirmative finding)**

(e) Quality of materials

The building will be clad largely in metal paneling of varying textures and coloration. Wooden panel accents will be installed near the entries. A membrane roofing system will be installed. All of the windows appear to be fiberglass. The proposed materials are acceptable for new construction. **(Affirmative finding)**

(f) Reduce energy utilization

Few energy details are included in the application plans. The new building must comply with the current energy efficiency requirements of the city and state. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

A parallel "City Market" sign is depicted on the Briggs Street building elevation. It appears to be placed above 14' height. Such placement is acceptable so long as the sign is not internally illuminated. Sign area is ~ 57 sf, under the maximum permissible 200 sf. This sign, and all other exterior signs, are subject to separate zoning permit. **(Affirmative finding as conditioned)**

(h) Integrate infrastructure into the building design

Loading bays are screened from the street and are set apart from active pedestrian areas of the site. Abundant rooftop mechanicals are proposed, some of which are quite large. This criterion requires screening such features within the overall roof structure, outer building walls or parapets, or integrated into the overall building design. As recommended by the DAB, plans have been revised to incorporate screening of rooftop mechanicals. Their appearance is much less obvious than previously. Note also that some of the proposed equipment is tall enough to exceed the overall 45'

height limit. The total area of such features cannot exceed 10% of the roof area. While a roof plan has been submitted, there is no tally of area exceeding 45.’ Confirmation is needed as to whether this limitation has been observed. **(Affirmative finding as conditioned)**

(i) Make spaces safe and secure

The project underwent technical review on April 14, 2016. The fire marshal provided written comment to the applicants based on that review. Building accessibility by emergency service vehicles appears to be adequate. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The proposed grocery store is located in the Shared Use Parking District; however, as it is a single story structure, standards for the Neighborhood Parking District apply. Grocery stores require a minimum of 3 parking spaces per 1,000 sf. At 29,772 sf, the proposed grocery store requires at least 89. The minimum parking requirement for the café is 1 space per every 4 seats. The café is expected to have 37 seats and, therefore, requires at least 9 parking spaces. The 1,431 sf separate office space requires 3 spaces (2 spaces per 1,000 sf). There is no defined parking requirement for the community space. The 3.3 space per 1,000 sf requirement for community centers may be the best fit. As such, the 1,588 sf community space would require 5 parking spaces. The minimum parking requirement is 106. The proposed site plan includes 106 parking spaces (including 3 EV spaces). **(Affirmative finding)**

Sec. 8.1.9, Maximum Parking Spaces

This section limits surface parking to 125% of the Neighborhood Parking District minimum parking requirement. The 3 EV parking spaces provided are exempt from this provision.

Under this standard, parking for the grocery store cannot exceed 100 spaces. The separate office space cannot exceed 3. The community space cannot exceed 6 spaces. The café cannot exceed 10 spaces. The maximum allowable parking is 119. The 106 provided are below this limit. **(Affirmative finding)**

Sec. 8.1.10, Off-Street Loading Requirements

The project plans depict loading docks on the western side of the building. They are screened from the street by the building. Access is via the Flynn Avenue driveway. Conflicts with customer traffic will be minimized by virtue of the early morning delivery schedule for trucks coming to the site. **(Affirmative finding)**

Sec. 8.1.11, Parking Dimensional Requirements

See Sec. 6.2.2 (I).

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Offsite parking facilities

(Not applicable)

(b) Downtown street level setback

(Not applicable)

(c) Front yard parking restricted

(Not applicable)

(d) Shared parking in the Neighborhood Parking Districts

(Not applicable)

(e) Single story structures in Shared Use Districts

See Sec. 8.1.8.

(f) Joint use of facilities

As enabled by this section, parking for all of the uses within the proposed building will be provided in a single parking facility. **(Affirmative finding)**

(g) Availability of facilities

None of the proposed parking will be used for the storage or display of vehicles or materials by offsite users. Parking will be for customers only. **(Affirmative finding)**

(h) Compact car parking

Some of the proposed parking spaces may qualify as “compact;” however, the 15% limitation associated with this criterion applies only to structured parking. **(Affirmative finding)**

Sec. 8.1.13, Parking for Disabled Persons

The site plans depict several handicap parking spaces in close proximity to pathways and the building’s main entrance. Associated striping is also shown. ADA compliance is administered via the city’s building permit process. **(Affirmative finding as conditioned)**

Sec. 8.1.14, Stacked and Tandem Parking Restrictions

(Not applicable)

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

(Not applicable)

Sec. 8.2.5, Bicycle Parking Requirements

Bike parking information has been provided. Twenty-eight bike racks will be provided near the building’s Flynn Avenue entrance, and an additional 9 will be provided by the Briggs Street entry. Each rack can hold 2 bikes. The minimum number of short term bike parking spaces required is just 8. Enclosed long term bike parking facilities will be provided inside the building along with associated shower and locker facilities. The minimum number of long term bike parking spaces required is just 2 spaces. The number of interior long term spaces is not evident. Confirmation of at least 2 spaces is needed. **(Affirmative finding as conditioned)**

Article 10: Subdivision

See Articles 3, 4, 5, and 6 of these findings. As a 2-lot subdivision, this application qualifies for combined preliminary and final plat review per Sec. 10.1.7. Note also that there is no minimum lot size in the E-LM zone; however, frontage on a public street is required. Both proposed lots will have frontage on public streets. The paper subdivision plat is sufficient to demonstrate the proposed subdivision and resultant boundaries and lot sizes. The required mylar subdivision plat

must include all signature blocks noted in Sec. 10.1.11, *Recording of Final Plats*. (**Affirmative finding as conditioned**)

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised project plans depicting the following shall be submitted, subject to staff review and approval:
 - a. FAR and lot coverage information for lot 2;
 - b. A tally of the area of rooftop equipment exceeding the 45' height limit (up to 10% area is allowed); and,
 - c. Confirmation of at least 2 compliant long-term bike parking spaces within the building.
2. **Prior to release of the zoning permit**, the applicant shall receive written verification of adequate wastewater capacity from the Department of Public Works.
3. **Within 180 days of this approval**, a mylar copy of the subdivision plat with all required signature blocks duly signed as required by Sec. 10.1.11 shall be filed in the land records. Failure to do so shall render this subdivision approval null and void.
4. **Subject to final review and approval by the Department of Public Works**, a post-construction traffic analysis of neighborhood traffic impacts called for in the July 27, 2016 Traffic Impact Study shall be executed at the cost of the applicant. Participation in a Traffic Calming Process would be warranted, if predicted cut through traffic volumes associated with this project are exceeded. Traffic calming measures warranted as a result of that analysis shall be implemented at a pro-rated cost sharing between the city and the applicant. The following items called for in the August 8, 2016 letter from Norman J. Baldwin, Asst. Director of Public Works shall be implemented at the cost of the applicant, except that half the cost of the new public sidewalk along the parcel's Briggs Street frontage shall be borne by the applicant.
 - **Briggs Streets need for a Public Sidewalk**-Briggs Street as it exists today or within the Champlain Parkway Project does not have a public sidewalk. With the increased activity associated with the City Market project City Staff believes it is appropriate to require City Market to participate in the cost to build a public sidewalk along Briggs Street. More specifically City Staff would ask that City Market contribute half the cost to develop a sidewalk the eastern length of their parcel. Given the timing of the Champlain Parkway and City Market project; the sidewalk shown on their site plan internal to their site would suffice for now, however would ask that City Market contribute by placing funds in an escrow account for this purpose.
 - **City Market Driveway Access Width**-Within the current site plan the Flynn Avenue Driveway apron is very broad and wide to accommodate commercial truck traffic. This broad apron is precipitated by the commercial delivery vehicles and the geometric limitations of the roadway with the existence of a center median for the adjacent rail crossing. We would ask that City Market consult with the City of Burlington/VTRANS Rail/Federal Rail Administration to determine if this center median can be abbreviated or relocated to allow for a less broad driveway apron.
 - **Eastbound Right Turn Lane at Champlain Parkway and Flynn Avenue**-The Traffic Study identified that the project will have an impact on the eastbound approach of Flynn Avenue, and identified several potential alternatives to address this impact. One of these alternatives is to provide a separate eastbound right-turn lane, Because some of the other alternatives depend on future decisions and approvals by other State

and/or Federal agencies this project should not be designed to preclude the possibility of constructing an eastbound right turn lane. Nor should the right turn lane pocket be created at the expense of eliminating parking on the north side of the street. We would suggest the Flynn Avenue frontage of the sight be prepared to include provision of an eastbound right turn lane without eliminating parking on the north side of the street.

- **Neighborhood Traffic Calming** – The Traffic Study provides a recommendation for the City Market Team to monitor traffic volumes on the local street system near the project site after the City Market store is open for business. While we agree with this recommendation, we would also recommend that City Market have responsibility for any follow-up activities to develop and implement traffic calming treatments, if necessary.

As sidewalk construction may be several years out, monies sufficient to cover this sidewalk cost shall be set aside in escrow by the applicant **prior to issuance of a certificate of occupancy.**

5. Final approval of the post-construction stormwater management system and the erosion prevention and sediment control plan by the city's stormwater program staff is required.
6. Design of the proposed north/south crosswalk across Flynn Avenue from 208 Flynn Avenue to 207 Flynn Avenue is subject to review and approval by the Department of Public Works prior to construction.
7. The proposed sidewalk construction within the public street right-of-way is subject to review and approval of the Dept. of Public Works. *All other construction within the public street right-of-way is subject to an encumbrance permit issued by the City Council in conjunction with the Dept. of Public Works.*
8. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the gross square footage of the proposed development.
9. Days and hours of business operation are limited to 7:00 AM – 9:00 PM, seven days per week.
10. Days and hours of construction are limited to Monday – Friday 7:00 AM – 5:00 PM. Saturday construction within those hours may be allowed upon request to the DRB. No construction activity on Sunday.
11. A State of Vermont wastewater permit is required.
12. All new utility lines shall be buried.
13. It is the applicant's responsibility to comply with all applicable ADA requirements.
14. 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.
15. Any outdoor signage will require a separate sign permit.
16. Standard Conditions 1-15.