

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board
From: Ryan Morrison, CFM, Associate Planner
Date: March 2, 2016
RE: ZP16-0808CA/CU; 2-14 King 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: ZP16-0808CA/CU

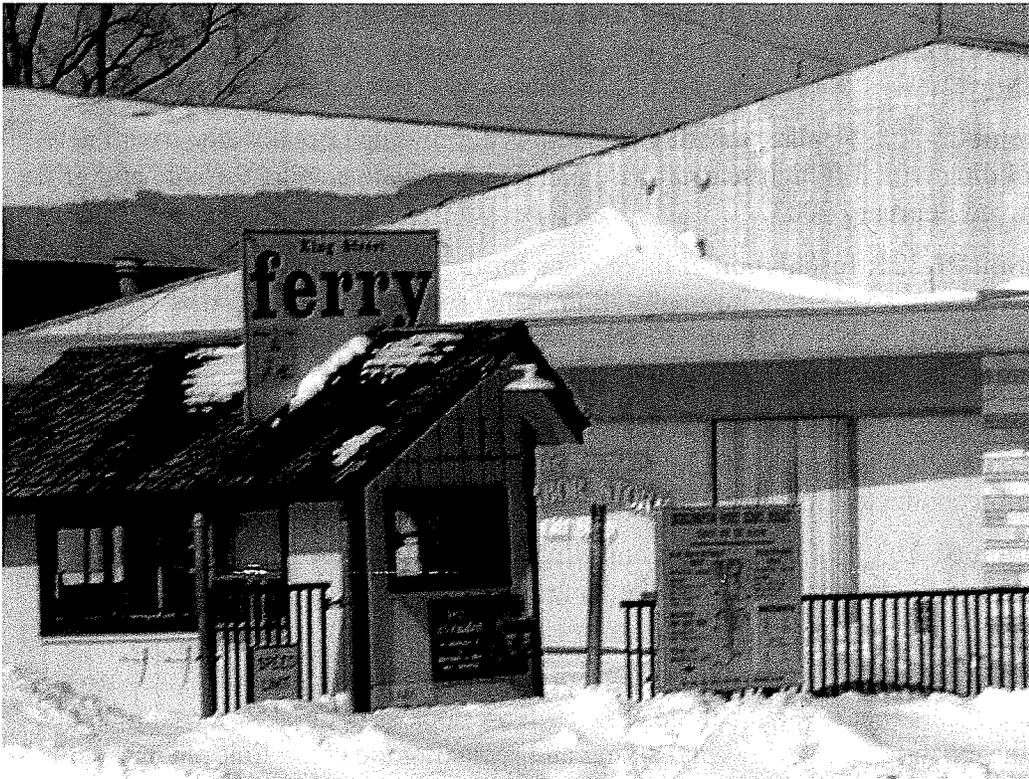
Location: 2-14 King Street

Zone: DW-PT **Ward:** 5

Date application accepted: January 26, 2015

Applicant/ Owner: Lake Champlain Transportation Company

Request: Construct a replacement ticket booth in same location as existing ticket booth.



Applicable Regulations: Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines)

Background:

- Zoning Permit 13-1051NA; Replace existing painted mural on western wall of Woodbury building with new painted mural. Approved May 2013.
- Zoning Permit 12-0968SN; Installation of one parallel, non-illuminated sign for the Lake Monsters Team Headquarters. Approved April 2012.
- Zoning Permit 11-1054NA; Repair of building due to flood. Approved June 2011.
- Zoning Permit 10-0482CA; Add trussed gable roof over top of existing flat roof section of Ferry Office. Siding to be T111 to match existing. Approved November 2009.
- Zoning Permit 08-532CA; Convert 1,120 sf +/- of retail space to office space. Approved February 2008.
- Zoning Permit 05-412CA; Roof renovations to create 3/12 pitch roof over flat roofs. Approved February 2005.
- Zoning Permit 04-483; Installation of ticket window. Approved April 2004.
- Zoning Permit 03-515; Phase 1 of COA 03-034 / ZP# 03-328. Excavate sandy gravel mix in parking area. Excavate and install five 20 ft tall pole lights with shoe box style 150-watt metal halide fixtures. Install new sur pac crushed stone to replace gravel mix. Approved May 2003.
- Zoning Permit 03-328; Replace existing café and grill building (Breakwaters) with new 6,870 sf building with 3 ft high seawall base and an increase in seating for café and grille use. Approved February 2003.
- Zoning Permit 01-321; Installation of three signs for the existing maritime museum. One sign – a new face in an existing internally illuminated rooftop mounted frame; one non-illuminated parallel sign, measuring 10' x 12'; and one non-illuminated freestanding sign as entry gate to the museum. Approved February 2001.
- Zoning Permit 01-317; Change of use from vacant commercial (boat storage and lumber warehouse) to Lake Champlain Maritime Museum. No exterior changes proposed; boat reconstruction conducted within existing structure. Approved February 2001.
- Zoning Permit 01-103; Installation of a non-illuminated historical interpretive marker (Steamboats and Shortcuts), 2' x 3', at the King Street ferry dock. Approved August 2000.
- Zoning Permit 00-502; Change of use from a portion of the existing retail space into a convenience food/Creemee stand at the existing ferry dock structure. Proposal includes replacing the existing t1-11 with vinyl siding and replacing the chain link fencing with 5' Stockade style fencing. Approved May 2000.
- Zoning Permit 99-555; Amend previously approved ZP #99-348 for 5 finger docks, to include a marine gas float extension. Approved June 1999.

- Zoning Permit 99-348; Installation of five (5) finger docks along the west side of the existing King Street ferry dock facility. Approved February 1999.
- Zoning Permit 96-196; Installation of vertical metal siding to match existing on the open end of the maintenance shed. Proposal includes installation of two overhead garage doors. Approved October 1995.
- Zoning Permit 94-200; Construction of a 20' x 20' single story unheated storage shed, sided with T1-11, for the existing Lake Champlain Transportation Company. Approved.
- Zoning Permit 92-254; Construction of a handicapped accessible bathroom, with ramp, as an addition to the existing ferry terminal and office. Approved April 1992.
- Zoning Permit 91-354; Construction of a 12' x 16' structure to house refrigeration and freezer units directly in front of The Crossing's restaurant. Materials to match existing. Approved May 1991.

Overview: The applicant seeks approval to construct a replacement ticket booth and install it in the existing ticket booth's location. There is no permit on file for the existing ticket booth; however the applicant believes it was built sometime around 1981. The site is located within the Special Flood Hazard Area (SFHA), Zone AE – base flood elevation 102' above sea level. The elevation of the existing ticket booth is approximately 101' above sea level. This application is subject to review under the SFHA regulations in addition to dimensional and design review standards. As required, the project is subject to review and approval by the State National Floodplain Insurance Program Coordinator at VT DEC. A copy of the application was provided to the Coordinator on February 3, 2016, but no response has yet been received. Any comments received within the 30 day review period will be incorporated into this approval.

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

Sec. 3.5.6, Review Criteria

(a) Conditional Use Review 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 replacement ticket booth will not increase existing demands on community utilities, facilities or services. **(Affirmative finding)**

2. The character of the area affected;

The DW-PT zone is intended to enhance and diversify commercial and residential development in the downtown waterfront area, and to increase access, utilization, and enjoyment of the lakeshore by the community. Strong emphasis is placed on enhanced public access to the lakeshore. The Lake Champlain Ferries property, and the immediate surrounding area between the Lake Champlain waterfront and Battery Street, consists of several non-residential uses. The ferry terminal use is consistent with the intent of the DW-PT Zone. **(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;*
Other than possibly during construction, nuisance impacts will remain unchanged. **(Affirmative finding)**

4. *Transportation system capable of supporting the proposed use;*
Transportation system impacts will remain unchanged. **(Affirmative finding)**

5. *Utilization of renewable energy resources;*
Not applicable.

6. *Bylaws then in effect;*
As conditioned, the project complies with all applicable bylaws. **(Affirmative finding)**

Article 4: Zoning Maps & Districts

Sec. 4.4.1, Downtown Mixed Use Districts:

(a) Purpose

(4) Downtown Waterfront – Public Trust District (DW-PT)

The subject property is located in the DW-PT zone. This zone is intended to enhance and diversify commercial and residential development in the downtown waterfront area, and to increase access, utilization, and enjoyment of the lakeshore by the community. Strong emphasis is placed on enhanced public access to the lakeshore. The proposed ticket booth replacement is consistent with this intent. **(Affirmative finding)**

(b) Dimensional Standards & Density

The commercial density/intensity remains unchanged.

A minimum setback of 50' is required from the shoreline of Lake Champlain. The existing booth measures 69" x 135", and is setback 53.2' from the high water mark. The replacement booth will be slightly larger than the existing booth, but will still be at least 50' from the high water mark.

The proposed building, at ~12' tall, will be well below the 35' height limit.

The existing and future ticket booths sit on asphalt. Lot coverage will remain unchanged. The DW-PT zone allows for 100% coverage. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The proposed ticket booth replacement is a permitted use in the DW-PT zone. **(Affirmative finding)**

(d) District Specific Regulations

1. Use Restrictions

No ground floor residential uses are being sought. **(Not applicable)**

2. Public Trust Restrictions

(b) Permitted Uses: Maple to Main Street

Facilities for transporting pedestrians and vehicles upon Lake Champlain by ferry and cruise vessels, including necessary docks, wharfs, maintenance facilities, administrative offices, gift shops, snack bars and related parking facilities are uses permitted in the DW-PT district between Maple Street and Main Street. Lake Champlain Ferries' ticket booth is a permitted use in the DW-PT district. **(Affirmative finding)**

3. Facades and Setbacks on Side and Rear Property Lines

No reduced setbacks are being sought. **(Not applicable)**

4. Building Height Setbacks

No exceptions to the building height setbacks are proposed. **(Not applicable)**

5. Lake Champlain Waterfront Setback

No encroachment into the 50-foot setback from the Lake Champlain mean high water mark is proposed. **(Not applicable)**

6. Residential District Setback

No residential districts abut the subject property. **(Not applicable)**

7. Development Bonuses/Additional Allowances

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

Sec. 4.5.4, Natural Resource Protection Overlay District:

(f) District Specific Regulations: Special Flood Hazard Area

(7) Special Review Criteria

A. The danger to life and property...

The replacement ticket booth's footprint (74" x 147") will be slightly larger than the existing booth's footprint (69" x 135"). The project represents a "substantial rehabilitation", which requires additional mitigation measures in accordance with National Flood Insurance Program (NFIP) regulations. These regulations allow for non-residential structures to either be elevated so that the lowest floor is at least one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. The NFIP regulations also has provisions for "recreational vehicles" in the floodplain. One such requirement is that an "RV" be "ready for highway" use – meaning that it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions. The applicant states that when the lake level is above the flood level, the ferry crossing closes and the booth is not needed. As a result, the booth has been designed to be movable via forklift whenever the lake is above flood level to avoid contamination and moisture issues. Electrical supply is designed to be easily disconnected and locked out at the sub panel. Lake Champlain Transportation has the equipment on site to move the booth to higher ground on short notice. After talking with Ned Swanberg, Vermont DEC Watershed Management Division, the replacement booth could be viewed similar to an RV

use in the SFHA in that it could be removed from the SFHA in the event of a flood. It was suggested that a plan be put in place as to the booth removal procedure should such an event arise. In the interest of protecting nearby buildings, it was also suggested that the booth be anchored with a detachable anchor in case it can not be relocated to higher ground in a timely fashion. **(Affirmative finding as conditioned)**

B. The danger that material may be swept onto other lands...

See Sec. 4.5.4 (f) (7) (A) above. Ned Swanberg with the Vermont DEC Watershed Management Division stated that the replacement booth could be viewed similar to an “RV” so long as it can be removed from the SFHA during a flood event. Mr. Swanberg also recommended that the booth have a detachable anchor in case it was not relocated in a timely fashion to prevent it from being swept onto other lands. **(Affirmative finding as conditioned)**

C. The proposed water supply and sanitation systems...

No new water supply or sanitation systems are proposed **(Not applicable)**

D. The susceptibility of the proposed facility and its contents to flood damage...

See Sec. 4.5.4 (f) (7) (A) above. **(Affirmative finding as conditioned)**

E. The importance of the services provided...

The proposed ticket booth replacement will continue to play a vital role in the overall operations of the Lake Champlain ferry terminal. **(Affirmative finding)**

F. The availability of alternative locations...

Almost the entire property is located within the SFHA. If the ticket booth were relocated to the small area outside the floodplain (nearer to the railroad line), it would block pedestrian traffic on the bike path, and vehicular access to and from a parking area to the south, and business access to the north. Building within the SFHA is acceptable as long as the requirements of this subsection, (4.5.4, f 7), are met. **(Affirmative finding)**

G. The compatibility of the proposed use with existing development...

The proposal is to replace an integral part of an historic Lake Champlain ferry terminal. This terminal has been a staple of the area since the early-1800s, and will remain so well into the future. **(Affirmative finding)**

H. The relationship of the proposed use to the Municipal Development Plan...

Insofar as Lake Champlain transportation facilities are a permitted use in the DW-PT zone, and insofar as the replacement ticket booth will be constructed as required by floodplain regulations, the booth can be found in compliance with the Municipal Development Plan. **(Affirmative finding)**

I. The safety of access to the property...

The property is generally between the 98’ and 102’ contour lines. Development already extends across this elevation range throughout the site. The ticket booth is located just above the 100’ contour. Only the most significant floods would result in inundation of only a few inches.

Emergency vehicle access to this site during times of flooding is via King Street. King Street rises in elevation steadily as one travels eastward from the subject site. **(Affirmative finding)**

J. The expected heights, velocity, duration, rate of rise...

The maximum regulatory flood elevation along the lakeshore is 102' above sea level. High-velocity wave action could pose a threat to the integrity of the new ticket booth, and as such, should be examined as part of an engineer's or architect's evaluation of the structure. The duration of flooding and the rate of its rise depend entirely on spring snowmelt and precipitation events. The lake has risen above 102' just once on record (spring 2011). Sediment transport as a result of lake flooding is minimal. In an effort to avoid the harmful effects of flood waters at the site, the applicant proposes to construct a ticket booth that can be relocated to higher ground during a flood event. **(Affirmative finding as conditioned)**

K. Conformance with all other applicable requirements...

See Articles 3, 4, 5, and 6 of these findings.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.1 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.1 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.1 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.1 (b) above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to result in creating a nuisance under this criterion.

(Affirmative finding)

Sec. 5.5.2, Outdoor Lighting

The applicant proposes 18-watt, full cutoff wall packs by RAB lighting, installed on all four sides of the booth, beneath trim level. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

The applicant states that the existing and proposed ticket booths sit on asphalt. As a result, the amount of impervious surface will not change. **(Not applicable)**

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

Nothing about the site will change considering this is a replacement project. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The replacement ticket booth will be nearly identical in massing, height, and scale to the existing booth. Both are very modest in terms of size and detailing. **(Affirmative finding)**

2. Roofs and Rooflines

A single plane roof with a modest pitch, as opposed to the existing double plane roof, is proposed. The scale of the structure and roofline is nearly identical. **(Affirmative finding)**

3. Building Openings

The sole entrance is quite modest, as depicted in the elevation drawings. Appropriately scaled sliding windows are proposed on three of the four building elevations. One small fixed window is also proposed. **(Affirmative finding)**

(b) Protection of important architectural resources

There are no historic structures on or near the subject property. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 above. The replacement booth will be ~148" in height. Important public views will not be impacted. **(Affirmative finding)**

(d) Provide an active and inviting street edge

The new ticket booth will exhibit nearly the same street presence as the existing booth. **(Affirmative finding)**

(e) Quality of materials

The existing booth is 2 x 4 construction with wood clapboard siding. The applicant proposes to use similar sized vinyl clapboard siding. The windows to be installed are 6/0 x 3/0 SilverLine single-hung, sliding windows (3), a 40.5" x 37.5" Simonton, and a Ready Access Model 600. **(Affirmative finding)**

(f) Reduce energy utilization

The proposed building must comply with the city's current energy efficiency standards. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

Existing advertising features will be installed in a similar fashion on the replacement booth. **(Affirmative finding)**

(h) Integrate infrastructure into the building design

The power service is underground from a sub panel at the western end of the property to the current booth. It will connect to the outside of the new booth in a manner which can be easily disconnected in the event the booth needs to be moved for high water. The wire from the utility pole is data lines for the camera that is mounted on the booth. **(Affirmative finding as conditioned)**

(i) Make spaces safe and secure

The proposed building must comply with the city's current egress requirements. All four sides of the booth will be illuminated. **(Affirmative finding)**

II. Conditions of Approval

1. This approval incorporates timely comments and stipulations issued by the State National Floodplain Insurance Program Coordinator at VT DEC as related to this project.
2. 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.
3. As proposed, the ticket booth shall be relocated to an area outside the SFHA during a flood event.
4. In an effort to protect nearby structures and properties in the event that the ticket booth is not removed from the SFHA in a timely fashion, the booth shall be anchored with a detachable anchor.
5. All utilities shall be able to be detached from the ticket booth to ensure booth relocation in the event of a flood.
6. Standard permit conditions 1-15

Note: NFIP requires the standard conditions below for non-residential structures in the SFHA. However, because it is the intent to move the ticket booth during flood events, staff feels that these conditions are moot.

7. Special Flood Hazard Area Conditions

In all Special Flood Hazard Areas (including Floodway areas) conditions require that:

C. All development:

- (i) New construction and/or substantial improvements to structures shall be reasonably safe from flooding and be:
 1. Designed and adequately anchored to prevent flotation, collapse, or lateral movement during the occurrence of the base flood;
 2. Constructed of materials resistant to flood damage;
 3. Constructed by methods and practices that minimize flood damage; and

4. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (ii) All development shall be designed to minimize flood damage to the proposed development and to public facilities and utilities;
- (iii) All development shall be designed to provide adequate surface drainage to reduce exposure to flood hazards;
- (iv) All new construction and substantial improvements that have fully enclosed areas below the lowest floor shall:
 1. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
 2. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings of two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
- (v) All necessary permits be obtained from those governmental agencies from which approval is required by federal or state law.

D. Residential Development:

- (i) Not applicable

E. Non-Residential Development:

- (i) All new construction and substantial improvements for nonresidential purposes shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation. Existing non-residential structures may be flood proofed where designed to be watertight to one foot or more above the base flood elevation, with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a proposed building to be flood proofed shall not be issued until a registered architect or engineer has reviewed the structural design, specifications and plans and has certified that the design and methods of construction are in accordance with meeting the provisions of this subsection.

F. Water Supply Systems:

New and replacement water supply and sanitary sewer systems shall be designed so as to prevent the infiltration of floodwaters into the systems and discharge from the systems;

G. On-Site Waste Disposal Systems:

On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

H. Recreational Vehicles:

Recreational Vehicles placed on sites with special flood hazard areas shall either:

- (i) be on the site for fewer than 180 consecutive days, or
- (ii) be fully licensed and ready for highway use, or
- (iii) be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in Sec. 4.5.4 (f).8.(D).

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