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**TO:** Development Review Board
**FROM:** Scott Gustin
**DATE:** May 3, 2016
**RE:** 16-0814CA/CU; 20 Fletcher Place
16-0815LL; 20 Fletcher Place
16-0816LL; 128 Colchester Avenue
16-0817LL; 132 Colchester Avenue

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**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: I Ward: IE

Owner/Representative: Wilshire Properties, LLC

**Request:** Construction of 3-unit residential building with associated drive and parking

**Applicable Regulations:**
Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Design Review), Article 8 (Parking)

**Background Information:**
The applicant is seeking approval to construct a new triplex with associated parking and site improvements. The applicant owns several contiguous parcels along the eastern side of Fletcher Place. Associated lot line adjustments among these parcels are also included in this proposal. The proposed triplex will be constructed on a reconfigured lot already containing a single family dwelling. Multiple primary structures are allowed on a single lot in the institutional zone.

The Design Advisory Board reviewed this project February 23, 2016 and unanimously recommended approval with the following conditions:

1. Shelter for the rear entrance should be provided.
2. Edging along the sides of the gravel walkway is recommended.
3. Utility meter and mechanical equipment locations must be depicted and screened.
4. Stormwater management measures must be reviewed and approved by the city's stormwater program.

Previous zoning actions for this property are as follows:

- 4/13/12, Approval to install backyard fence
- 3/20/01, Approval to replace 3rd floor window with new for egress requirements
- 9/8/00, Approval to convert single family home to duplex (not enacted)

**Recommendation:** **<u>Conditional use and certificate of appropriateness approval</u>** 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 triplex will have only modest impacts on public utilities, facilities, or services in the area. A state wastewater permit will be needed. An ability to serve letter from the Department of Public Works will be needed in order to obtain one. Impact fees will be paid to help offset what impacts there are on municipal services and facilities. **(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 zoned as Institutional (I). The I zone is intended primarily to support the city's major educational and health care institutions. In addition, the district is intended to support a broad range of related uses reflecting the resident institutions' roles as regional educational, heath care, cultural, and research centers. The proposed residence falls into the latter category of related uses and may provide housing for individuals associated with one of the nearby institutions. **(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;*

Residents of nearby properties have noted concerns about noise associated with the proposed triplex, particularly if it is used as student housing. With the exception of senior housing, the zoning regulations do not distinguish among who may live somewhere. Concern about noise impacts related to potential student housing is valid and is best addressed through effective property management. The city's Noise Control Ordinance, administered by the Police Department, is also applicable. As for applicable zoning criteria, the proposed triplex can be found in conformance with this criterion. It is a relatively small scale, new residential structure in close proximity to the city's major institutions. **(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;*

No traffic analysis has been provided, nor is one required for a proposal of this scale. Anticipated traffic impacts are minimal. Only 3 dwellings are proposed, and they are located in easy walking or biking distance to major educational and employment centers. Nearby bus service is also available. **(Affirmative finding)**

*and,*

5. *The utilization of renewable energy resources;*

No part of this request prohibits the use of wind, solar, water, geothermal or other renewable energy resource. **(Affirmative finding)**

*and,*

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

No identified conflicts. Required building and/or life safety codes will be under the review of the building inspector. **(Affirmative finding as conditioned)**

(b) Major Impact Review Standards:
**(Not applicable)**

(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 residence is unlikely to generate offsite noise or glare substantial enough to require mitigation. **(Affirmative finding)**

*2. Time limits for construction.*
No phasing or construction schedule is included in this application. As a result, the project must be completed within the standard 2-year time frame. Commence construction within 1 year and complete by the 2nd year unless an extension is requested and granted beforehand. **(Affirmative finding as conditioned)**

*3. Hours of operation and/or construction to reduce the impacts on surrounding properties.*
Hours of operation do not apply to the proposed residence. Construction hours are not specified. Typical construction hours in 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 recommended conditions of approval.

**Article 4: Maps & Districts**
***Sec. 4.4.4, Institutional District:***
***(a) Purpose***
As noted above, the Institutional zone is intended primarily to support the city's major educational and health care institutions. In addition, the district is intended to support a broad range of related uses reflecting the resident institutions' roles as regional educational, heath care, cultural, and research centers. The proposed triplex will provide new housing opportunity within close proximity of the city's major institutions and can be considered one of these related uses. **(Affirmative finding)**

***(b) Dimensional Standards & Density***
The proposed triplex will occupy the lot at 20 Fletcher Place with an existing single dwelling. The 4 dwellings on the 0.28 acre lot are acceptable. The maximum density is 20 units/acre. Up to 5 units could be constructed within allowable density.

Lot coverage will change to 39.8%, just below the maximum permissible 40% coverage.

The proposed triplex will be set back 15' from the front property line as required. The required side yard setbacks are 12' (10% of the 117' - 119' wide lot). The triplex is set back 12' from the southern side boundary and much more than that to the northern side boundary. The proposed 26' rear yard setback complies with the minimum required 26' rear yard setback (25% of the 104' deep lot).

The triplex will reach to 32' at the midpoint of its highest roof. This height is under the maximum permissible 35'. **(Affirmative finding)**

***(c) Permitted & Conditional Uses***
The proposed triplex constitutes an attached multi-family dwelling and is a conditional use within the Institutional zone. Conditional use criteria are addressed under Article 3 above. **(Affirmative finding)**

**Article 5: Citywide General Regulations**
***Sec. 5.2.3, Lot Coverage Requirements***
Not applicable.

***Sec. 5.2.4, Buildable Area Calculation***
Not applicable.

***Sec. 5.2.5, Setbacks***
Not applicable.

***Sec. 5.2.6, Building Height Limits***
Not applicable.

***Sec. 5.2.7, Density and Intensity of Development Calculations***
Not applicable.

***Sec. 5.5.1, Nuisance Regulations***
Nothing in the proposal appears to constitute a nuisance under this criterion. As noted previously, concern has been expressed about noise related to occupants of the proposed triplex. The triplex, in and of itself, will not generate noise. If noise problems associated with occupants of the triplex arise, the city's Noise Control Ordinance may be enforced. **(Affirmative finding)**

***Sec. 5.5.2, Outdoor Lighting***
Some new outdoor lighting is proposed. It consists of entry lighting at the side and rear of the proposed triplex. One of the fixtures will serve a dual purpose and illuminate the adjacent parking as well. Illumination will be provided by acceptable cutoff fixtures and will generate acceptable lighting levels as demonstrated in the photometric plan. **(Affirmative finding)**

***Sec. 5.5.3, Stormwater and Erosion Control***
A basic stormwater management plan is proposed. Grading will direct stormwater runoff to an existing depression behind the single family home at 20 Fletcher Place. Runoff will collect here for infiltration. A perforated pipe will serve as both underdrain to the pervious parking area and conveyance of overflow into the public storm line along Fletcher Place. Review and approval by the city's stormwater program is pending.

An erosion prevention and sediment control plan has been provided and articulates construction sequencing and preventative erosion control measures. It too is pending review and approval by the city's stormwater program. **(Affirmative finding as conditioned)**

**Article 6: Development Review Standards**
***Part 1, Land Division Design Standards***

No subdivision is proposed; however, boundary lines between 20 Fletcher Place, 128 Colchester Avenue, and 132 Colchester Avenue will be adjusted.

***Sec. 6.1.2, Review Standards***
*(a) Protection of important natural features*
The proposed boundary line adjustments 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*
The boundary adjustments will enable placement of the triplex in a manner consistent with that of other homes along Fletcher Place. Orientation of the lots and the structures on them will remain unchanged. **(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 triplex is proposed in an area of lawn just south of the existing single family home. Only limited clearing of an overgrown brushy area is needed. **(Affirmative finding)**

*(b) Topographical alterations*
The property is essentially flat and will remain so. Proposed grading is minor and relates largely to directing stormwater runoff to a receiving area. **(Affirmative finding)**

*(c) Protection of important public views*
The subject property is not affected by any identified public view corridor. **(Affirmative finding)**

*(d) Protection of important cultural resources*
The property itself is not historically significant. The existing home; however, is included on the Vermont State Register of Historic Places. No alterations to this home are proposed.
**(Affirmative finding)**

*(e) Supporting the use of alternative energy*
There is no indication that the proposed triplex will utilize alternative energy. The triplex will not adversely impact the actual or potential use of alternative energies by neighboring properties.
**(Affirmative finding)**

*(f) Brownfield sites*
The subject property is not an identified brownfield. **(Affirmative finding)**

*(g) Provide for nature's events*
See Sec. 5.5.3 for stormwater management.

The primary entrance into the home is sheltered within an open front porch. As recommended by the Design Advisory Board, shelter is now provided over the rear entry. Ample room is available onsite for seasonal snow storage. **(Affirmative finding)**

*(h) Building location and orientation*
The proposed home is clearly oriented towards Fletcher Place. The building lines up with other homes along Fletcher Place thereby reinforcing the street edge. **(Affirmative finding)**

*(i) Vehicular access*
A new private driveway will provide adequate access to the triplex and existing single family home. A curb cut permit from the Department of Public Works is likely required. **(Affirmative finding as conditioned)**

*(j) Pedestrian access*
A new front walkway will provide pedestrian access from the public sidewalk to the front entry. Another walkway will provide pedestrian access from the driveway to the rear entry. Note that

this second walkway will be gravel. As recommended by the DAB, edging will be provided to contain gravel within the walkway. **(Affirmative finding)**

*(k) Accessibility for the handicapped*
No handicap accessibility is evident with this proposal. It is the applicant's responsibility to comply with all ADA requirements as administered through the city's building code.
**(Affirmative finding as conditioned)**

*(l) Parking and circulation*
An existing parking area in front of the single dwelling at 20 Fletcher Place will be replaced with a new driveway with sufficient room for 3 parking spaces. The driveway will provide access to Fletcher Place. **(Affirmative finding)**

*(m) Landscaping and fences*
A landscaping plan has been provided. Gardens are proposed along much of the building's perimeter with several new trees planted within the lawn. As proposed, the landscaping plan is fairly typical for new home construction. **(Affirmative finding)**

*(n) Public plazas and open space*
No public plaza or open space is included or required in this proposal. **(Not applicable)**

*(o) Outdoor lighting*
See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*
New utility lines must be buried. As recommended by the DAB, utility meter locations and mechanical equipment locations are noted on the project plans. They are proposed at an acceptable location at the rear of the proposed triplex. **(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 massing, height, and scale of the proposed triplex are consistent with that of existing homes in the neighborhood. Most homes are 2 – 2 ½ stories along Fletcher Place. The proposed triplex will be a full 3 stories. Architectural detailing lessens the perceived mass of the building by breaking it into distinct components. Varying rooflines, dormers, and trim details serve to articulate separate volumes within the overall structure. **(Affirmative finding)**

2. *Roofs and Rooflines*
   The triplex is essentially a gable-roofed structure. Varying roof lines are incorporated into the dormers, porch, and front façade. The proposed roof is appropriate as part of this residential building. **(Affirmative finding)**

3. *Building Openings*
   The primary front entrance is clearly articulated and is sheltered by a small front porch. Fenestration is appropriately scaled and placed in consistent rhythm throughout the building. **(Affirmative finding)**

*(b) Protection of important architectural resources*
As noted above, the existing single family home is historically significant. No alterations to this existing structure are proposed. The new triplex will be set away from the existing home and is designed in such a way as to be compatible with it and other nearby historic homes. **(Affirmative finding)**

*(c) Protection of important public views*
See 6.2.2 (c) above.

*(d) Provide an active and inviting street edge*
The primary entry to the proposed triplex is clearly articulated and oriented towards Fletcher Place. It is set inside an open front porch with walkway access to the public sidewalk. There are no large blank walls or expanses of roof. Fenestration, roof variations, and architectural detailing work successfully to provide an active and inviting street elevation. **(Affirmative finding)**

*(e) Quality of materials*
The proposed home will be clad in wood clapboard siding with shingle accents. While not required, varying colors between the clapboards and shingle accents is encouraged. Wooden trim is also proposed. Asphalt shingles will be installed on the roof. Clad wooden windows are proposed. Railings appear to be wooden. These materials are of acceptable quality and durability. **(Affirmative finding)**

*(f) Reduce energy utilization*
The proposed building must comply with the current energy efficiency standards of Burlington and the State of Vermont. **(Affirmative finding as conditioned)**

*(g) Make advertising features complimentary to the site*
No advertising is included in this proposal. **(Not applicable)**

*(h) Integrate infrastructure into the building design*
Utility meters and mechanical equipment are depicted behind the proposed triplex. **(Affirmative finding)**

*(i) Make spaces safe and secure*
The proposed building must comply with the city's current egress requirements. Building entries will be illuminated. **(Affirmative finding as conditioned)**

**Article 8: Parking**
***Sec. 8.1.8, Minimum Off-Street Parking Requirements***
The subject property is located within the Shared Use Parking District. As a result, the existing single family home requires 2 spaces, and the proposed triplex requires 3 spaces (1 space per unit for multi-family). Of the 5 total spaces required, 3 will be provided in the new driveway – 2 for the single family home and 1 for the triplex. The additional 2 spaces for the triplex will be provided offsite at 138 Colchester Avenue (See. Sec. 8.1.12 below). **(Affirmative finding)**

***Sec. 8.1.2, Limitations, Location, Use of Facilities***
*(a) Off-Site parking facilities*

The proposed offsite parking spaces at 138 Colchester Avenue are 300 feet, via public sidewalk, from the proposed triplex. This distance is within the 1,000 foot maximum permissible distance. City records indicate that 138 Colchester Avenue contains a single dwelling unit and has 7 parking spaces. Two of the spaces are required for the onsite dwelling unit. Two of the remaining 5 spaces will be dedicated to the proposed triplex. These 2 spaces must be secured by way of long term lease, easement, or deed, subject to review and approval by the Office of the City Attorney. **(Affirmative finding as conditioned)**

***Sec. 8.2.5, Bicycle Parking Requirements***
The proposed triplex requires 2 short term bicycle parking spaces (i.e. bike rack) and at least 1 long term space (i.e. within the triplex or an enclosed bike locker). Bike parking details are lacking; however, there is ample room within the triplex for the required long term space. Likewise, there is ample room by the entry porch for an outdoor bike rack. Revised plans indicating these items are needed. **(Affirmative finding as conditioned)**

## II. Conditions of Approval

1. **Prior to release of the zoning permit**, the applicant shall execute a long term lease, easement, or deed, for the off-site parking spaces subject to review and approval by the Office of the City Attorney.
2. **Prior to release of the zoning permit**, the applicant shall provide revised project plans that include at least 1 long term bike parking space and at least 2 short term bike parking spaces, subject to staff review and approval.
3. At least seven (7) days **prior to issuance of a certificate of occupancy** impact fees based on the gross floor area of the proposed triplex shall be paid to the Department of Planning & Zoning.
4. Review and approval of the stormwater management plan and the erosion prevention and sediment control plan by the city's stormwater program is required.
5. Construction hours shall be limited to Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request to the Development Review Board. No work on Sunday.
6. A state wastewater permit is required. An ability to serve letter from the Department of Public Works will be needed in order to obtain one.
7. A curb cut permit from the Department of Public Works may be required for the new driveway. The applicant/property owner is responsible for obtaining such permit.
8. 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 permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
9. Standard permit conditions 1-15.