

Department of Planning and Zoning

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Burlington Development Review Board

Minutes/Findings of Fact

March 29, 2012

In RE: 12-0764MP; 29-35 Church Street (Ward 3, D) (Tax Lot No. 044-4-006-000)

Owner/Applicant: Nick & Morrissey Development

Request: Master sign plan for building

Members Present:

Austin Hart
Michael Long
Jonathan Stevens
Brad Rabinowitz
Bob Schwartz
Andrew Strauss

Evidence Presented:

The Board examined the materials submitted in support of this request.

I. FINDINGS

Background Information:

The applicant is seeking approval for a master sign plan for a mixed use, multi-tenant building on Church Street (the former Border's building). As with all master sign plans, specific individual signs are not included. The sign plan includes sign types, placement, and illumination. Each individual sign will be subject to separate zoning permits as they are installed.

Sign plans offer flexibility but are required to be compatible with the site and buildings and character of the surrounding area pursuant to the provisions of Article 6 (that includes design standards). While individual signs in the plan may vary from the restrictions of Sec. 7.2.3 (signs in Mixed Use Districts), 7.2.4 (signs for the Church Street Marketplace), 7.2.5 (signs in Enterprise Districts), and 7.2.6 (Signs in the Institutional District) in the **type and placement of signs on a structure** or lot, no individual sign may exceed the size limitations as per Sec. 7.2.3 (a) (3).^{*} Except for such variations approved by the development review board by acceptance of a master sign plan pursuant to this Article, all other requirements, permits, and restrictions regarding signs shall remain in effect.

^{*}In no case, however, may the total area of all parallel signs exceed the lesser of two hundred (200) square feet or fifteen (15%) per cent of the area of the façade to which they are attached for the length of frontage devoted to such establishment.

Article 7: Signs

Sec. 7.2.3 Signs in Mixed Use Districts

The subject building is located on the corner of Church Street and Cherry Street. The Cherry Street (southern) façade is subject to the review criteria of this section. Along the Cherry Street façade, parallel and projecting signs are proposed.

Total parallel sign area is limited to 2 sf signage per 1 linear foot of building frontage (up to a maximum of 200 sf). The building has 300 linear feet of frontage along Cherry Street, and therefore, is allowed the maximum 200 sf parallel sign area. The master sign plan proposes 198.31 sf parallel sign area on the Cherry Street façade. This area is acceptable. All of the signs for the 2nd story tenants are compliant with the 10 sf size limitation. Parallel sign placement along the 1st floor is compliant with the 14' height restriction. Parallel signs above the 1st floor are permitted only as part of a master sign plan approval. Parallel signs along this elevation will not be illuminated except for the two "City Sports" signs that will be halo lit (i.e. lighting behind opaque letters). The sign lighting is compliant.

Projecting signs are limited to 1 per tenant. They are limited in size to 4 sf, and they must be placed at least 7' 6" above the sidewalk and extend no higher than 18'. They may not project further than 4' from the building. One projecting sign bracket is proposed with three signs of 4 sf each. As each sign panel is separate, this configuration is acceptable. The signs themselves are 3' wide, and they are set 4" from the building. Acceptable gooseneck lighting fixtures are proposed for illumination of these projecting signs. One other projecting sign of 4 sf is proposed under the glass canopy. No illumination of this sign is proposed, and it has a sidewalk clearing of just over 9'.

A number of projecting banners with illumination are depicted on the elevation plans. The banners contain no signage and are not included in this master sign plan approval. The associated banner is likewise not included in this approval. (**Affirmative finding**)

Sec. 7.2.4 Signs Regulations for Church Street Marketplace

The Church Street (eastern) façade of the subject building is located along the Church Street Marketplace and is subject to review under this section. All signs along the Marketplace are subject to review and approval by the Church Street Marketplace District Commission. Along the Church Street façade, parallel, projecting, and freestanding signs are proposed.

Total parallel sign area is limited to 1.5 sf signage per 1 linear foot of building frontage. The building has 150 linear feet of frontage along Church Street, and therefore, is allowed 225 sf parallel sign area. The upper limit of 200 sf does not apply on the Marketplace except for individual signs. The master sign plan proposes 175.96 sf parallel sign area on the Church Street façade. All of the signs for the 2nd story tenants are compliant with the 10 sf size limitation. Parallel sign placement along the 1st floor is compliant with the 14' height restriction. Parallel signs above the 1st floor are permitted only as part of a master sign plan approval. Parallel signs will be externally illuminated with overhead lamps as noted in the elevation drawings or not illuminated at all. The parallel sign above the glass canopy at the corner of the building will be halo lit (i.e. lighting behind opaque letters). All of the proposed sign lighting is compliant.

Projecting signs are limited to 1 per tenant. They are limited in size to 8 sf, and they must be placed at least 7' 6" above the sidewalk and extend no higher than 18'. Only one 4 sf projecting sign is proposed along Church Street and will be hung from the glass canopy. No illumination of this sign is proposed, and it has a sidewalk clearance of just over 9'.

Freestanding signs are typically not allowed on the Marketplace; however, they may be included as part of a master sign plan. In this case two freestanding signs are proposed. There are no criteria specifically regarding freestanding signs on the Marketplace. As a result, criteria for the rest of downtown will be applied. One freestanding sign per establishment is permitted. In this case, two freestanding signs are proposed – one each for separate tenants. Both freestanding signs will be 18' 8" tall. This height exceeds the 14' height limit but may be permitted as part of a master sign plan. Illumination will be provided with acceptable gooseneck lighting fixtures. Internal illumination of the archways over the sign panels is not permitted and must be deleted.

(Affirmative finding as conditioned)

Sec. 7.3.2 Applicability

Within any Mixed Use, Enterprise, or Institutional Zoning district, all signs located on a site, building, or a complex of buildings located on a single lot with three or more tenants or owners may be granted a zoning permit if the signs comply with a sign master plan submitted by the building owner and reviewed and approved by the DRB under the provisions of Sec. 7.3.4 below and Article 6.

The subject property is located within the Downtown (mixed use) zone. The building contains more than 3 tenants and is eligible for a master sign plan. **(Affirmative finding)**

Sec. 7.3.4 Flexibility from Existing Standards

*The sign master plan shall be compatible with the site and buildings and character of the surrounding area pursuant to the provisions of Article 6. While individual signs in the plan may vary from the restrictions of Sec. 7.2.3 (signs in Mixed Use Districts), 7.2.4 (signs for the Church Street Marketplace), 7.2.5 (signs in Enterprise Districts), and 7.2.6 (Signs in the Institutional District) in the type and placement of signs on a structure or lot, no individual sign may exceed the size limitations as per Sec. 7.2.3 (a) (3).**

Except for such variations approved by the development review board by acceptance of a master sign plan pursuant to this Article, all other requirements, permits, and restrictions regarding signs shall remain in effect.

**In no case, however, may the total area of all parallel signs exceed the lesser of two hundred (200) square feet or fifteen (15%) per cent of the area of the façade to which they are attached for the length of frontage devoted to such establishment.*

The proposed master sign plan varies from the standard sign regulations in terms of sign placement (i.e. above the 1st story) and type (two freestanding signs along Church Street). No individual sign exceeds 200 sf. Article 6 is addressed below. **(Affirmative finding)**

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

Not applicable.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(g) Make advertising features complimentary to the site

The total sign area is compliant on both the Cherry Street and Church Street facades. Upper story tenant signage is dimensionally compliant as well. Sign illumination, as conditioned, is also acceptable. The number and area of signs for "City Sports" has been substantially reduced from the original proposal and results in a much cleaner appearance. Overall, the master sign plan as revised lends a coordinated appearance for signage throughout the building. **(Affirmative finding)**

II. MINUTES

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. MOTION

Motion: Austin Hart

I move that the Board master sign plan approval for the property located at 29-35 Church Street in the D zone in accordance with Articles 6 and 7. Approval is subject to the following conditions:

1. The freestanding signs are included in this approval. They shall be as depicted in the Option A plans, and the archways over the sign panels shall not be internally illuminated.
2. The projecting sign on Cherry Street with 3 signs on 1 bracket is acceptable as 3 separate sign panels of 4 sf.

Seconded: Andrew Strauss

Vote: 5-0-1, motion carried

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.