

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin *AD*
DATE: May 3, 2016
RE: 16-0958SP; 316-322 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: NMU Ward: 5

Owner/Applicant: G&C Properties / 316 Flynn, LLC

Request: Sketch Plan review of project to remove deli building and residence and to replace with four story mixed use building with thirty apartments and two commercial spaces with associated parking 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 9 (Inclusionary and Replacement Housing)

Background Information:

The applicant is requesting sketch plan review of a proposed mixed use building and associated parking. The existing corner market building will be demolished along with the detached triplex and redemption center.

A similar but smaller development was approved for this property in May 2015. That approval included deli and office space and 9 new residential units. The existing triplex was to be retained. As proposed, the project will expand to include two commercial spaces and 30 apartments. The triplex will be demolished.

The Design Advisory Board reviewed this sketch plan on April 12, 2016 and recommended improving the building's ground floor; specifically, strengthening its pedestrian interface and distinguishing it from the upper stories.

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 water and sewer. Sufficient capacity is available; however, written confirmation from the Department of Public Works will be required. A state wastewater permit will also be needed prior to construction.

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 and the properties on the southwest and southeast corners of the Pine Street/Flynn Avenue intersection are zoned as Neighborhood Mixed Use (NMU). This zoning designation that was done several years ago better reflects the mixed use character of these properties and enables greater flexibility for their redevelopment. Champlain Elementary School (and the RL zone) abuts the subject property to the north. Single family homes lie to the east and south. Mixed uses are present to the west. As now proposed, the development is of a larger scale but remains contextually appropriate to its surroundings. This mixed use development is consistent with the intent of the NMU zone.

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 mixed use building includes residential and commercial space. It is not expected to generate nuisance impacts greater than those typically generated by other permitted uses in this mixed use zone.

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 information has been provided for this sketch plan review. Anticipated trip generation numbers and impacts on the Flynn Avenue / Pine Street intersection as related to existing conditions will be required as part of a formal permit application.

and,

5. *The utilization of renewable energy resources;*

Alternative energy measures are not incorporated into this proposal. No part of this request prohibits the use of wind, solar, water, geothermal or other renewable energy resource.

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.

(b) Major Impact Review Standards

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

Little stormwater information is included in the sketch plans. The applicants have noted that stormwater management will basically be the same as previously approved. The stormwater system will collect runoff and treat it prior to infiltration or discharge. Stormwater management is especially important on this property due to its location adjacent to Englesby Brook. Details on stormwater volumes and rates will be required with a formal permit application. The stormwater management plan will be subject to review and approval by the Conservation Board and Stormwater Administrator. No significant air or noise pollution is anticipated.

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;

An erosion prevention and sediment control plan in compliance with Chapter 26, Wastewater, Stormwater, & Pollution Control will be required. It will be subject to review and approval by the Conservation Board and Stormwater Administrator.

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) 3.

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

With 30 apartments, the residential component is moderately intense. No significant impacts on the city's educational services are expected. Impact fees will be paid to help offset what impacts there are.

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 can be mitigated by payment of impact fees.

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 Sec. 6.2.2.

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 brings about greater intensity and diversity of development consistent with the rezoning of this area to NMU. The project is not expected to have an undue adverse effect on the city's present or future growth patterns or on its public services and facilities.

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

The sketch plans conceptually show initial compliance with the MDP, as per the following:

The project will result in additional mixed use development within this mixed use zone (pg. I-2, Land Use Policies).

The proposed development lies within the radius of the neighborhood activity center centered at the Flynn Avenue/Shelburne Street intersection (pg. I-29, Future Land Use Map - Centers for Growth and Development).

The development will implement measures to improve the quality and quantity of stormwater runoff leaving the site and entering Englesby Brook (pg. II-12, Natural Environment Action Plan).

The proposed commercial space is small in scale, consistent with that typically found in neighborhood mixed use areas (pg. VI-2, City Policies).

The project will comply with the city's current energy efficiency standards (pg. VIII-1, City Policies).

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 development will bring additional housing to the city and will diversify the housing stock in the neighborhood. No undue adverse impacts on the city's present or projected housing needs are anticipated.

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

Minimal anticipated impacts on the city's park and recreation needs are anticipated. Payment of impact fees will help offset such impacts.

(c) Conditions of Approval:

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 residential/commercial building is unlikely to generate offsite noise or glare substantial enough to require mitigation.

2. Time limits for construction.

No time limits for construction have been specified in this sketch plan submission. Without specifying otherwise, the zoning permit approval would be valid for 2 years (1 year to start construction and another year to finish). In light of the nearby residential properties, hours of construction must be specified and may be limited by the Development Review Board.

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

Hours of operation need not be specified for the residential use. The commercial uses are not specified and may be subject to restrictions on hours of operation if they are conditional uses. See the above criterion for hours of construction.

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. 4.4.2, Neighborhood Mixed Use Districts:

(a) Purpose

(2) Neighborhood Mixed Use (NMU)

The Neighborhood Mixed Use District is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods. The proposed commercial uses are not specified but are at least small in scale consistent with the intent of the district. The location of the proposed development is well within walking or biking distance of residential areas and other employers.

(b) Dimensional Standards & Density

FAR in the NMU zone is limited to 2.0. The subject property is 26,424 sf (with 16,420 sf in the NMU zone). No FAR information is included in the sketch plans. Such information will be needed as part of the permit application.

Maximum permissible lot coverage is 80% in the NMU zone and 35% in the RL zone. No lot coverage information is included in the sketch plans, but it appears to be similar to the prior proposal (71% in NMU and 42% in RL). Lot coverage information will be needed as part of the permit application.

The subject property is a corner lot, and therefore, contains two front yards and two side yards. There is no rear yard for the purposes of setback requirements.

The property straddles two zoning districts. The 15' NMU district setback is not required for this pre-existing lot. This particular section of the NMU zone requires a 10' minimum front yard setback from the street curb. The proposed structure complies with this setback.

Lastly, the front yard setback in the RL portion of the property is based on the average setback of neighboring buildings, +/- 5'. In this case, there is only one neighboring building in the RL zone – Champlain Elementary School. The school is set back far from the road and would result in an impossible setback for the RL portion of the property. As proposed, the reconstructed parking lot would remain nonconforming relative to the front yard setback, but the degree of nonconformity would not increase.

Within the NMU zone, the maximum building height is 35', and the minimum is 20'. Buildings shall be at least 2 stories. The proposed building height is unclear in the reduced-size elevation plans. It is 4 stories. Exact height must be clear in the permit application.

(c) Permitted & Conditional Uses

Multifamily residential development is a permitted use in the NMU zone. The commercial uses are not specified and must be upon permit application.

(d) District Specific Regulations

See Article 9 below for height increase relative to inclusionary zoning requirements.

Sec. 4.5.4, Natural Resource Protection Overlay (NR) District

(c) District Specific Regulations: Riparian and Littoral Conservation Zone

(4) Requirements

The proposed development lies partially within the 100' buffer zone along Englesby Brook. The emphasis of this subsection is on protection of riparian corridors and on stormwater management. The proposed development, including its stormwater management system, will be subject to review and approval by the Conservation Board and the Stormwater Administrator.

(d) District Specific Regulations: Wetland Conservation Zone

(6) Criteria for Review

The property lies within 100' of wetlands included in the city's wetlands map. As a result, review under this subsection is required. No information pertaining to the wetlands review criteria have been provided and will be required with a formal permit application. As proposed, impacts appear to be essentially the same as previously approved. Review and approval of this new proposal by the Conservation Board will be required.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.2 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable in the NMU zone or on a parcel of less than 2 acres in the RL zone.

Sec. 5.2.5, Setbacks

See Sec. 4.4.2 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.2 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.2 (b) above.

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

Outdoor lighting is proposed, but details have not been provided. A full lighting plan will be needed with the formal submittal.

Sec. 5.5.3, Stormwater and Erosion Control

Stormwater will be collected and treated prior to discharge into Englesby Brook. The stormwater management system and erosion control plan will require review and approval by the Conservation Board and Stormwater Administrator per Chapter 26.

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

(a) Protection of important natural features

Important natural features onsite include Englesby Brook and associated wetlands. In light of this waterway's impaired status, construction site erosion control measures and post-construction stormwater management are particularly important. The actual footprint of development onsite appears to remain unchanged. Review and approval of erosion control and stormwater management measures by the Conservation Board and the Stormwater Administrator will be required upon permit application.

(b) Topographical alterations

The site is generally flat and will remain so. Some grading work is proposed; however, it will not substantially alter the existing topography of the site.

(c) Protection of important public views

There are no designated view sheds from or through the property.

(d) Protection of important cultural resources

The proposed development site has no known archaeological resources.

(e) Supporting the use of alternative energy

The utilization of alternative energy is not included in the project plans. With ample solar exposure, future utilization of rooftop solar is encouraged.

(f) Brownfield sites

The property is not an identified brownfield.

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management.

The front entries into the building are sheltered under a canopy. The rear entries will be sheltered as well. Ample room remains onsite for seasonal snow storage.

(h) Building location and orientation

Placement of the proposed building is essentially consistent with that of the existing building. The new structure will be set to the street corner while still observing the required setback from the curb. Any encroachments into the street right-of-way will require an encumbrance permit from the City Council in consultation with the Department of Public Works. The primary façade faces Pine Street and contains a well-defined central entrance and street-level shop front. The Flynn Avenue façade contains no entrance but continues with the fenestration and canopy facing Pine Street. The

ground level of the proposed building is not significantly differentiated from the upper stories. Such differentiation is recommended and can be achieved easily with different exterior cladding. This criterion specifically calls for special attention for the ground level with the intent of improving the building's pedestrian interface.

(i) Vehicular access

Vehicular access will continue to be provided from both Flynn Avenue and Pine Street, albeit in better defined form.

(j) Pedestrian access

Steps and a new front walkway will connect the front building entries to the public sidewalk. Grading will enable direct connection of the new walkway to the Flynn Avenue sidewalk. Steps will connect to the Pine Street sidewalk. The previously approved project included reconstruction of the public sidewalk. Whether that is included now is unclear. If it is to be reconstructed, review and approval by the Department of Public Works will be required. The sketch plans show discontinuous public sidewalks across the two driveways. The concrete sidewalks must be continued across each driveway.

(k) Accessibility for the handicapped

No handicap accessibility details are included in the sketch plans. The 2012 Vermont Access Rules require that all of the proposed dwelling units be "adaptable." It is the applicant's responsibility to comply with all applicable ADA requirements.

(l) Parking and circulation

Reconstructed surface parking is placed to the side and underneath the building. The existing streetfront pavement will be removed and replaced with the new building and associated walkway and stairs. The building mass screens some of the parking from the street. Where the building is elevated above the parking, there is no screening. This criterion requires screening of this street-level parking with landscaping, public art, or other design amenities. Better yet, the parking could be more fully enclosed by the building.

Dimensionally, the parking spaces and back-up distances are smaller than the standard. Proposed parking spaces are just 18' deep, whereas 20' is the standard. Back-up length for the 90-degree parking spaces is just 20,' whereas the standard for such spaces is 24.' While some dimensional flexibility is allowed under the standards of Article 8, the applicant must demonstrate that the proposed layout will be functionally adequate. The sketch plans show no safe and unobstructed route, physically separated between vehicles and pedestrians, connecting pedestrians to the building entries or public sidewalk. Such route must be provided.

Exposed surface parking is limited enough (just 8 spaces) that shade trees are not required. Additional landscaping should be installed at the northwestern corner of the parking lot to provide screening from the street.

The sketch plans depict indoor and outdoor bike parking spaces. Additional details relative to type and number of bike parking spaces will be required upon permit application.

(m) Landscaping and fences

The sketch plans contain little in the way of landscaping details. Some lawn plantings are noted, and that is it. Permit application plans must contain more fully developed landscaping plans. As noted before, additional emphasis should be placed on screening the parking from the street. No new fencing is evident.

(n) Public plazas and open space

No public plazas or open space are included in this proposal.

(o) Outdoor lighting

Little outdoor lighting information is included in the sketch plans. Fixture locations appear to be noted outside the doorways. Upon permit application, fixture cutsheets and lighting levels will be needed as well.

(p) Integrate infrastructure into the design

All utility lines must be buried. No ground-mounted mechanical equipment is included in the proposal. A trash and recycling enclosure will be provided at the northeast corner of the parking area. No enclosure details have been provided and must be included in the permit application. The dumpster must be set on a concrete pad.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

While the proposed building is significantly larger than that in the prior proposal, it is not out of context with other existing buildings in the area, particularly along Pine Street to the north. The proposed building is very similar in appearance to other recently constructed apartment buildings: boxy and angular with some variation in exterior color and building plane to break up perceived mass. There is no differentiation at the ground level except where the building is elevated on poles above the parking. Improvement is needed. While not an especially tall building, greater distinction is needed for the ground level – to strengthen its pedestrian interface and to separate it from the upper stories. More than half of the building is hoisted in the air on columns. While fundamentally this arrangement can work, its appearance from the street is awkward and contradictory to presenting an active and inviting face to the street. Ground level parking under the building is acceptable. The exterior building walls should be extended across most or all of the perimeter of the parking (of course leaving voids for garage entries). Instead of windows, grated openings could be used for ventilation. Doing so would provide greater continuity and strength to the building's ground level.

2. Roofs and Rooflines

The proposed building includes varying roof planes on each of the separate building components. Most have a slight pitch. While unusual in the neighborhood, this arrangement works with the overall design of the building.

3. Building Openings

The proposed building exhibits two fenestration patterns, both of which are consistent with the overall appearance of the building. The ground level fenestration presents as that of a shop front while the upper stories incorporate a fenestration pattern more consistent with an

apartment building. Fenestration throughout is appropriately scaled and suited to its intended purpose. The front entries are embellished with projecting awnings over the doorways.

(b) Protection of important architectural resources

The existing building is not historic, nor is it eligible for listing on an historic register. Its demolition will have no adverse impact on Burlington's architectural resources.

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

As proposed, the building employs physical step-backs of its façade along Pine Street and Flynn Avenue to break up its perceived mass. The front entries are defined with shop front fenestration and awnings overhead. As noted above, there is relatively little that distinguishes the street level of this building from the upper stories. Greater street level detail is needed. This criterion spells out a number of options such as varying building materials, architectural features, and recessed entries.

(e) Quality of materials

No building materials are specified in the sketch plans, but the elevation drawings imply that the structure will be clad entirely in corrugated metal siding with metal coping along the roof edges. This material is acceptable for new construction; however, as noted above, a different material along the ground level should be used. Window, roofing, and awning materials are not noted. All exterior building materials must be specified in the permit application.

(f) Reduce energy utilization

The building will be required to comply with current state and city energy efficiency standards. The multi-unit, mixed use structure will be inherently more energy efficient than multiple detached structures.

(g) Make advertising features complimentary to the site

No signage is depicted in the sketch plans. The applicant is advised to consider a sign band or at least the placement of parallel signs on the building.

(h) Integrate infrastructure into the building design

The sketch plans depict no exterior mechanicals, rooftop or otherwise. If exterior mechanicals are proposed, they must be depicted and fully screened for permit review.

(i) Make spaces safe and secure

Building entries appear to be illuminated, but details are needed as noted above. An intercom system for residents is encouraged. Adherence to applicable building codes will be required.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The proposed mixed-use building is located in the Shared Use parking district. The 30 proposed apartments require 30 parking spaces (1 space/unit). Required parking for the commercial uses cannot be determined until the uses are specified. As proposed, 33 parking spaces will be provided.

Sec. 8.2.5, Bicycle Parking Requirements

No bike parking details have been provided. The proposed 30 residential units will require 8 long term bicycle parking spaces and 3 short term bicycle parking spaces. Bike parking requirements for the commercial uses cannot be determined until the uses are specified.

Article 9: Inclusionary and Replacement Housing

Sec. 9.1.5, Applicability

As 30 new residential units are proposed, inclusionary units must be provided. The standard requirement is 15% inclusionary – in this case 5 units. No information on inclusionary units has been provided and must be upon permit application.

Sec. 9.1.12, Additional Density and Other Development Allowances

This development is subject to the inclusionary housing requirements of Article 9. As a result, it is entitled to an additional 0.5 FAR and 10' height per Table 9.1.13-1 *Density/Intensity Allowance Table*. The additional building bulk must be set back 10' along the street façade. The sketch plans depict a building with a 4th story (i.e. an additional 10' height) set back from the lower stories. As noted previously, exact FAR and height numbers will be needed upon permit application.