

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin *SG*  
**DATE:** February 16, 2016  
**RE:** 16-0724PD; 451 Ethan Allen Parkway

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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: RL      Ward: 7N

Owner/Applicant: Tim Alles & Bill Ellis / Jon Anderson

**Request:** Preliminary plat review for 9-unit planned unit development and associated site improvements

**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), and Article 11 (Planned Unit Development)

**Background Information:**

The applicant is seeking preliminary plat approval of a 9-unit planned unit development (PUD) consisting of 3 detached structures and a new private driveway. The subject property is located just north of Moore Drive. It is heavily wooded with steep slopes and wetlands and is currently undeveloped. The property is located primarily in the non-design control RL zone; however, as a PUD with three 3-unit structures it requires design review. A small portion of the site is zoned RCO which will remain undisturbed.

A previous preliminary plat proposal almost identical to this one was approved by the Development Review Board on August 2, 2011 under the 1994 Zoning Ordinance and 1974 Subdivision Regulations; however, that preliminary plat approval expired. This current proposal is subject to review under the 2008 Comprehensive Development Ordinance as amended. The DRB reviewed sketch plans for this current proposal November 7, 2012. While several years ago, there is no expiration of sketch plans, and the applicants may proceed to preliminary plat review now.

The Conservation Board reviewed this preliminary plat application January 4, 2016 and recommended approval as presented.

The Design Advisory Board reviewed this preliminary plat application January 12, 2016 and recommended approval subject to the following conditions:

1. Analysis of buildable area by a third party is recommended.

2. Address handicap accessibility.
3. Provide fixture cutsheets for the lighting fixtures in the photometric plan.
4. Provide detail drawing of dumpster enclosure.
5. Provide railing details.
6. Depict utility meter screening.

Revised project plans have been submitted to address some of the DAB's recommendations.

This preliminary plat application underwent review by the Technical Review Committee January 14, 2016.

Previous zoning actions for this property are noted below.

- 8/20/12, Appeal of preliminary plat expiration (withdrawn)
- 8/2/11, Preliminary plat approval for 9-unit planned unit development (expired)
- 5/10/04, Denial of preliminary plat application for 9-unit planned unit development
- 12/2/03, Denial of preliminary plat application for 9-unit planned unit development

**Recommendation: Preliminary plat 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** (as adopted by City Council 8.10.2015.)

*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 likely available; however, written confirmation from the Department of Public Works will be required. Any improvements to, or new lines to service, the development will have to be installed by the applicants at their cost. A state wastewater permit will also be needed prior to construction.  
**(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;*

This subject property is located near the end of Ethan Allen Parkway. It is a large undeveloped parcel of land (7+ acres) bordered by suburban development in the form of single family homes and duplexes. There is one triplex nearby. Ethan Allen Park abuts the property to the east. Rte. 127 borders the property to the north. The RL zone is intended primarily for low density residential development in the form of detached single family homes and duplexes. The proposed development consists of 3 separate triplex buildings and an associated driveway and parking. While triplexes are uncommon in the neighborhood, the development density is low, and size and

scale of the buildings relate reasonably well to existing homes in this 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 residential use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than that generated by other residential neighborhoods in the area. **(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;*

Basic traffic information has been provided. Based on ITE, the proposed homes are expected to generate 8 AM peak hour trips (7 existing and 1 entering) and 8 PM peak hour trips (5 entering and 3 exiting). All traffic will enter and exit via Ethan Allen Parkway – a designated collector street. Trip generation numbers are insufficient to warrant a comprehensive traffic analysis. No appreciable impacts on area bikeways or sidewalks are anticipated. **(Affirmative finding)**

*and,*

5. *The utilization of renewable energy resources;*

As proposed, the homes will be constructed to be “solar ready” for rooftop solar. **(Affirmative finding)**

*and,*

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

The project has received a state wetlands permit and will require a state wastewater permit. Revised project plans have been submitted to reflect Technical Review Committee comments relative to access and fire safety. **(Affirmative finding as conditioned)**

(b) Major Impact Review Standards

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

No significant air or noise pollution is anticipated.

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;*  
Little information has been provided with respect to the number of anticipated school-age children; however, the 9 townhouse dwelling units are unlikely to generate a substantial impact on the local school system. If the project receives final plat approval, impact fees would be paid to help offset impacts on the school system. **(Affirmative finding)**

7. *Not place an unreasonable burden on the city's ability to provide municipal services;*  
Given that there are nine units proposed in an existing residential neighborhood, impacts on the city's ability to provide most municipal services appear to be minimal. The proposed public sidewalk is acceptable to Public Works with conditions for ADA accessibility. In addition, the proposed water lines, force main, and sewer pump station will require Public Works review and approval prior to final plat review. In addition, adequate emergency vehicular access must be assured by the Fire Marshal. If final plat application is approved, impact fees would be paid to help offset the costs of municipal services for this development. **(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 Sec. 6.2.2 for effects on significant natural areas.

There are no historic buildings onsite or close by. No known archaeological sites are located on the property. **(Affirmative finding)**

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 relatively small and includes no public infrastructure except for a new sidewalk along Ethan Allen Parkway. It should have no undue adverse effect on the city's present or future growth patterns. **(Affirmative finding)**

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

The project is in substantial conformance with the city's municipal development plan.

The proposed development constitutes infill development and brings additional housing units into Burlington, the historic core of the region (pg. I-30, Land Use Action Plan).

The project will leave significant open space intact (Sec I, Open Space Protection).

The project will comply with the city's current energy efficiency standards. The homes will be constructed to be "solar ready" (pg. VIII-1, City Policies).

The project will include affordable housing as required (Sec. IX, City Policies).

Construction will result in wetland impacts; however, impacts associated with this proposal are substantially less than originally proposed. As required, this application contains assessment of wetland impacts under the standards of the CDO (pg. II-1, City Policies).

The property is largely a wetland bordered by steep slopes. As required, this application contains calculations and depictions of buildable area. Third party verification is recommended. (Open Space Protection Plan, Sec. 5.1, Implementation Plan). **(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 development entails 9 new residential units and should not adversely impact the present or projected housing needs of the city. An inclusionary unit must be provided as required. **(Affirmative finding as conditioned)**

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

Residents of the new dwelling units will likely utilize the city's park and recreation facilities. Anticipated impacts are proportionately modest. If the final plat application is approved, park impact fees will be paid to help offset any related impact on park needs. **(Affirmative finding)**

(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. **(Affirmative finding)**

*2. Time limits for construction.*

A 7-year construction schedule is requested with associated hours of construction 6:00 AM – 9:00 PM. In light of the project's relatively small scale and surrounding residences, both the 7-year time frame and 15-hour construction days are excessive. The 200+ unit development at 140 Grove Street included a 4-year time frame. Two or three years should be more than enough time to complete. 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. A revised construction schedule and hours of construction will be required as part of final plat application.

No phasing schedule is proposed but is recommended. Breaking the project into distinct phases will allow occupancy of units as they are completed while construction of others is ongoing. If the applicant wishes to pursue phasing, a phasing schedule must be provided with the final plat application. **(Affirmative finding as conditioned)**

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

See criterion 2 above.

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. 4.4.5, Residential Districts:**

###### **(a) Purpose**

###### **(1) Residential Low Density (RL)**

The subject property is located in the RL zone. This zone is primarily intended for low density residential development in the form of single family homes and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhood's development history. While triplexes are included in this proposal, the scale and intensity of development is reasonably consistent with that of the neighboring residential areas. **(Affirmative finding)**

###### **(b) Dimensional Standards & Density**

The entire property is 7.16 acres. Between wetlands and steep slopes, the total buildable area is cut about in half to 3.6 acres (see Sec. 5.2.4 below).

The RL zone affords a density of 7 units/acre. The proposed 9 units are acceptable on the 3.6 acres of buildable area. Note that the application includes reference to 5.55 acres of land "reserved" for future development. Nothing in this preliminary plat approval, if granted, permits or implies permission for future development on the property.

Lot coverage is limited to a maximum of 35%. Like density, lot coverage is based on buildable area. The plans note a lot coverage of 5.8%; however, it is not clear if the lot coverage is based on the buildable area or on the total area. Clarification is needed.

The front yard setback is based on the average of the two properties on either side of the subject property (i.e. the two neighboring properties to the north and the two to the south). The required setback is the average of these properties, plus or minus 5'. The preliminary plat plans appear to rely on the 1994 Zoning Ordinance standard of 15'. This standard no longer applies. While the proposed front yard setback appears to be acceptable relative to the neighboring homes, a new front yard setback calculation is needed. Side yard setbacks are 10% of the width, up to a 20' minimum. Side yard setbacks are compliant. The rear yard setback is 25% of the depth, up to a 75' minimum. The rear yard setback is compliant.

Maximum building height in the RL zone is limited to 35'. The proposed buildings are all 24' 6" tall, as measured half way up the pitch roofs on the front facades. **(Affirmative finding as conditioned)**

***(c) Permitted & Conditional Uses***

The proposed development, with its related wetland impacts, is subject to conditional use review under the Natural Resource Overlay criteria of Sec. 4.5.4. Conditional use criteria are addressed under Article 3 above. **(Affirmative finding)**

***(d) District Specific Regulations***

***1. Setbacks***

No setback encroachments are sought. **(Not applicable)**

***2. Height***

Not applicable in RL. **(Not applicable)**

***3. Lot Coverage***

No lot coverage exceptions are sought. **(Not applicable)**

***4. Accessory Residential Structures and Uses***

No accessory structures or uses are included in this proposal. **(Not applicable)**

***5. Residential Density***

The proposed residential units are subject to the functional family provisions of the Comprehensive Development Ordinance. **(Affirmative finding)**

***6. Uses***

**(Not applicable)**

***7. Residential Development Bonuses***

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

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

***(d) District Specific Regulations: Wetland Conservation Zone***

***(6) Criteria for Review***

The property contains mapped wetlands. Much of the property is affected by the wetlands themselves or the associated 100' city buffer zones. As a result, review under this subsection is required. The wetlands have been found to be significant relative to the following functions and values:

- Water storage for floodwater and stormwater;
- Erosion and sediment control through binding and stabilizing the soil;
- Surface water and groundwater protection, including sediment and toxicant retention, nutrient retention and transformation, and groundwater discharge and recharge;
- Wildlife habitat;
- Recreational and economic benefits; and,
- Open space and aesthetics.

The project application addresses each of the wetland criteria and finds that impacts to pertinent functions and values will be de minimus. As noted previously, the Conservation Board reviewed this project and recommended approval. **(Affirmative finding)**

***(f) District Specific Regulations: Special Flood Hazard Area***

A portion of the property is affected by the SFHA; however, all proposed development remains out of the SFHA. **(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***

As the subject property is greater than 2 acres in size and is located in the RL zone, this criterion applies. The buildable area is the entire project size (about 7 acres) minus the wetland and steep slope (>30% slope) acreage. Up to 50% of the maximum building density or lot coverage may be calculated on lands with a slope between 15% and 30% if the applicant can demonstrate that the additional density or lot coverage will be compatible with the existing scale and intensity of the surrounding neighborhood and not have an undue negative impact on sensitive natural areas. The application includes buildable area calculations and results in 3.65 acres of buildable area. Given the near total coverage of the site with wetlands and steep slopes, this figure seems overly optimistic. A third party analysis of buildable area (at the expense of the applicant) prior to final plat application is recommended. **(Affirmative finding as conditioned)**

### ***Sec. 5.2.5, Setbacks***

See Sec. 4.4.5 (b) above.

### ***Sec. 5.2.6, Building Height Limits***

See Sec. 4.4.5 (d) above.

### ***Sec. 5.2.7, Density and Intensity of Development Calculations***

See Sec. 5.2.4 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***

Exterior lighting is limited to front entries and garage doors. A photometric plan has been submitted and depicts acceptable lighting levels (average of 0.57 footcandle). As required by the DAB, a revised lighting cut sheet has been provided that depicts an acceptable lighting fixture that is consistent with the photometric plan. **(Affirmative finding)**

### ***Sec. 5.5.3, Stormwater and Erosion Control***

The project incorporates significant stormwater management measures. The driveway, parking areas, and walkways are proposed to be pervious materials. Maintenance of the pervious material must be assured in a written maintenance plan so that the ability for water to infiltrate is not compromised by clogging from sand and sediment. The Stormwater Administrator has been engaged in the development of the stormwater system. Review and approval by the Stormwater Administrator per Chapter 26, Wastewater, Stormwater, & Pollution Control will be required as part of final plat application.

Significant erosion is already present onsite. The project proposes to correct this erosion. An erosion prevention and sediment control plan has been submitted. It will be subject to review and

approval by the Stormwater Administrator per Chapter 26, Wastewater, Stormwater, & Pollution Control. **(Affirmative finding as conditioned)**

**Article 6: Development Review Standards:**

***Part 1, Land Division Design Standards***

***Sec. 6.1.2, Review Standards***

No subdivision proposed. **(Not applicable)**

***Part 2, Site Plan Design Standards***

***Sec. 6.2.2, Review Standards***

***(a) Protection of important natural features***

Important natural features consist of several large trees and extensive wetlands. Sheet 2, Existing Conditions Site Plan, depicts specimen trees (>30" caliper or 100+ years old) and the wooded area generally. Clearing limits are depicted on sheet 4, Site and Utility Plan.

Much of the property contains mapped wetlands. A State of Vermont wetlands permit has been obtained for the proposed wetland and associated 50' state buffer impacts. Information has been provided to address the city's wetland review criteria per Sec. 4.5.4 (d). The Conservation Board reviewed this preliminary plat application and recommended approval as presented. **(Affirmative finding)**

***(b) Topographical alterations***

The property can be characterized as a wetland bordered by steep slopes. As a result, any development would involve some degree of fill and grading. The proposed development involves substantial fill and grading; however, it is concentrated at the western end of the site and will result in a final grade similar to that of neighboring properties along Ethan Allen Parkway. **(Affirmative finding)**

***(c) Protection of important public views***

There are no important public views from or through the property. **(Affirmative finding)**

***(d) Protection of important cultural resources***

The site has no known archaeological resources. **(Affirmative finding)**

***(e) Supporting the use of alternative energy***

The residential units will be constructed to be "solar ready" for rooftop solar hot water. **(Affirmative finding)**

***(f) Brownfield sites***

The property is not included in the Vermont DEC's Hazardous Sites List. **(Affirmative finding)**

***(g) Provide for nature's events***

The project incorporates significant stormwater management measures. The driveway, parking areas, and walkways are proposed to be pervious materials. Maintenance of the pervious material must be assured in a written maintenance plan so that the ability for water to infiltrate is not compromised by clogging from sand and sediment. The Stormwater Administrator has been engaged in the development of the stormwater system. Review and approval by the Stormwater

Administrator per Chapter 26, Wastewater, Stormwater, & Pollution Control will be required prior to final plat approval.

Significant erosion is present onsite. The project proposes to correct this erosion. An erosion prevention and sediment control plan has been submitted. It will be subject to review and approval by the Stormwater Administrator per Chapter 26, Wastewater, Stormwater, & Pollution Control.

Sheltered doorways are provided for all of the dwelling units, and there is ample room for snow removal equipment. **(Affirmative finding)**

*(h) Building location and orientation*

Two of the three new buildings are located close to Ethan Allen Parkway and reflect the existing development pattern within the neighborhood. All three new buildings are oriented towards the Parkway with clearly identifiable front entries. **(Affirmative finding)**

*(i) Vehicular access*

A single driveway from Ethan Allen Parkway will serve the development. Driveway width is acceptable at 18' wide. Based on previous review of this project, the right turn sight triangle is sufficient at 425'; however, the left turn sight triangle is insufficient at only 110' (280' is required). Presumably, the applicant continues to propose removing the two locust trees blocking much of the left turn sight triangle. Doing so, along with the associated filling and grading, will increase sight distance to 415'. Sight distances will be subject to review and approval by the Department of Public Works. **(Affirmative finding as conditioned)**

*(j) Pedestrian access*

The six dwelling units in the two front buildings will have direct access to the public sidewalk by way of new front walkways. The units in the rear building are not afforded this direct access but will be served by a new walkway running parallel to the driveway. Pedestrians using this walkway may cross the driveway and access the walkway out to the street and public sidewalk. **(Affirmative finding)**

*(k) Accessibility for the handicapped*

Walkways will be accessible, but the dwellings will not be. Accessibility standards are administered by the city's building inspector. It is the applicants' responsibility to comply with all accessibility standards as may be required. **(Affirmative finding as conditioned)**

*(l) Parking and circulation*

Parking is provided behind and within the new townhouses. There is sufficient circulation room to maneuver vehicles so as to avoid backing out onto Ethan Allen Parkway. **(Affirmative finding)**

*(m) Landscaping and fences*

A landscaping plan has been provided and consists of fairly typical residential plantings. A variety of trees and shrubs are proposed and are used as foundation and accent plantings. Relatively dense plantings are proposed at either side of the development to provide screening for neighboring properties to the north and south. No new fencing is evident. **(Affirmative finding)**

*(n) Public plazas and open space*

**(Not applicable)**

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

A dumpster pad and associated enclosure are depicted on the plans. They will be located at the northern end of the development, in a corner of the driveway. The enclosure will consist of 6' tall stockade fencing with a gate. A detail drawing has been provided as required by the DAB.

**(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 proposed buildings consist of three separate triplex townhouses. While this configuration of units is unusual for this neighborhood, the overall massing, scale, and height of the buildings is not out of character. The units themselves appear to be relatively small, particularly when viewed from the street, and the overall mass and scale are consistent with the array of home sizes in the immediate neighborhood. Perceived building height is substantially limited by the grade which slopes away from Ethan Allen Parkway. **(Affirmative finding)**

*2. Roofs and Rooflines*

The townhouses will have gable roofs with eave ends facing the street. Gable roofs are common in this residential neighborhood. **(Affirmative finding)**

*3. Building Openings*

Proposed windows are double-hung 6-over-1 units and are appropriately scaled for the homes. Door styles relate to the window styles. The overall fenestration pattern is typical and appropriate for these residential units. **(Affirmative finding)**

*(b) Protection of important architectural resources*

Neither the subject property nor neighboring properties contain historic resources. **(Affirmative finding)**

*(c) Protection of important public views*

There are no significant public views from or through the subject property. **(Affirmative finding)**

*(d) Provide an active and inviting street edge*

All of the new homes will face the street with prominent front entries. They will all include front porches and other architectural details to add visual interest. The units are slightly differentiated, particularly by way of their porches. Differing colors among the units are depicted. Building placement along Ethan Allen Parkway is consistent with the existing streetscape. **(Affirmative finding)**

*(e) Quality of materials*

The townhouses will be clad in fiber cement clapboards and trim. Asphalt shingles will be used on the roofs, and clad wooden window units will be installed. These materials are of acceptable

quality for this new construction. Railing details are not evident and must be noted. **(Affirmative finding as conditioned)**

*(f) Reduce energy utilization*

All of the new homes must comply with the current energy efficiency standards of the city and state. They will all have ample solar access and will be plumbed for installation of optional solar hot water panels. **(Affirmative finding)**

*(g) Make advertising features complimentary to the site*

No new signs are included in this proposal. **(Not applicable)**

*(h) Integrate infrastructure into the building design*

Utility meters are depicted on the building elevations. They must be screened. Mail boxes are depicted as well. Utility lines will be buried. **(Affirmative finding as conditioned)**

*(i) Make spaces safe and secure*

All of the new homes must comply with the city's current egress requirements. Consideration should be given to sprinkler the units. The fire marshal addressed emergency vehicle access at the Technical Review Committee meeting. Revised plans have been submitted to address those comments. **(Affirmative finding)**

**Article 8: Parking**

***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

The subject property is located in the neighborhood parking district. As a result, each one of the 9 dwelling units requires 2 parking spaces for a total of 18. The preliminary plat plan depicts sufficient parking, including garage and surface spaces, for each of the units. **(Affirmative finding)**

***Sec. 8.2.5, Bicycle Parking Requirements***

Two short term and two long term bike parking spaces are required. A bike rack has been added to the site plan (sheet 4) near the street intersection. Long term bike storage can be accommodated in each of the units' basements. **(Affirmative finding)**

**Article 9: Inclusionary and Replacement Housing**

***Sec. 9.1.5, Applicability***

As the proposed development includes 9 new dwelling units, it is subject to the inclusionary housing provisions of this Article. At least 1 of the new dwelling units must be affordable. The preliminary plat application notes only that 1 of the dwellings will indeed be affordable. Details must be worked out with the manager of the city's Housing Trust Fund prior to final plat application. **(Affirmative finding as conditioned)**

**Article 11: Planned Unit Development**

***Sec. 11.1.5, Approval Requirements*** (as adopted by City Council 8.10.2015.)

*(a) The minimum project size requirements of Sec. 11.1.3 shall be met;*  
The two acre minimum project size has been met. **(Affirmative finding)**

*(b) The minimum setbacks required for the district have been met at the periphery of the project;*  
Setbacks appear to be acceptable. Verification of the front yard setback is needed as noted previously. **(Affirmative finding)**

*(c) The project shall be subject to design review and site plan review of Article 3, Part 4;*  
Addressed in Articles 4 and 6 above.

*(d) The project shall meet the requirements of Article 10 for subdivision review where applicable;*  
**(Not applicable)**

*(e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project;*  
Density, lot coverage, and road frontage are acceptable. As noted previously, 3<sup>rd</sup> party analysis of buildable area is recommended. **(Affirmative finding as conditioned)**

*(f) All other requirements of the underlying zoning district have been met as calculated across the entire project;*  
All other requirements of the underlying RL zoning district are addressed in these findings.

*(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB;*  
Common space management is addressed in the draft HOA covenants submitted with the preliminary plat application. **(Affirmative finding)**

*(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development;*  
No phasing plan has been provided. As noted previously, one is recommended. **(Affirmative finding as conditioned)**

*(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests*  
*Sec. 11.1.1, Intent*

*(a) Promote the most appropriate use of land through flexibility of design and development of land;*

Insofar as most of the parcel is zoned Residential Low Density, some degree of residential development may be viewed as appropriate. Preliminary plat approval for essentially the same project was granted under the 1994 Zoning Ordinance and 1974 Subdivision Regulations. This new application is subject to the current Comprehensive Development Ordinance which contains a number of new and more explicit standards, particularly as related to wetlands and buildable area. Wetlands have been addressed, and the Conservation Board has recommended approval. Buildable area has also been addressed, but as noted before, a 3<sup>rd</sup> party analysis is recommended prior to final plat application. **(Affirmative finding as conditioned)**

(b) *Facilitate the adequate and economical provision of streets and utilities;*

The proposal will provide adequate driveway access and utilities. The placement of the dwelling units close to the road results in an economical provision of utilities and associated infrastructure. **(Affirmative finding)**

(c) *Preserve the natural and scenic qualities of open space;*

Remaining open space will retain its natural and scenic qualities. **(Affirmative finding)**

(d) *Provide for a variety of housing types;*

There is no variety of housing types within the proposal; however, the triplexes will add to the diversity of housing in the area. **(Affirmative finding)**

(e) *Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and,*

The subject property is undeveloped precisely due to its physical and topographical conditions. PUD regulations allow for flexibility in design to develop around such constraints. In order to be feasible, this project is dependent on the flexibility of the PUD process. **(Affirmative finding)**

(f) *Achieve a high level of design qualities and amenities.*

The proposed low impact design (i.e. pervious pavements) measures for stormwater management are a unique amenity and will result in improved water quality if installed and maintained properly. The development presently proposed has a street presence and will connect to, and extend, the city's public sidewalk network. The Design Advisory Board found the proposed buildings to be acceptable under the standards of the CDO. **(Affirmative finding)**

(j) *The proposed development shall be consistent with the Municipal Development Plan*

See Sec. 3.5.6 (b) 10.

(k) *Any proposed accessory uses and facilities shall meet the requirements of Sec. 11.1.6 below.*

No accessory uses or facilities are proposed. **(Not applicable)**

## **II. Conditions of Approval**

1. This preliminary plat approval in no way grants or implies final plat approval. Final plat application shall be filed in accordance with Section 10.1.9, *Final Plat Approval Process*, of the CDO and per these Conditions of Approval.
2. This preliminary plat approval in no way grants or implies approval of future development on the "reserved" 5.5 acres noted in the application.
3. Prior to final plat application, a third party expert analysis of the property's buildable area shall be obtained. Such analysis shall be paid for by the applicants. The selected expert shall be selected by mutual agreement between the applicants and the Dept. of Planning & Zoning.
4. Prior to final plat application, revised project plans depicting the following shall be submitted:
  - a. Porch railing details;
  - b. Utility meter screening;

- c. Lot coverage confirmation as based on buildable area; and,
  - d. Front yard setback calculations.
5. Prior to final plat application, written approval from the Dept. of Public Works shall be obtained for the following items:
    - a. Wastewater capacity to serve the development;
    - b. Proposed water lines, force main, and sewer pump station; and,
    - c. Proposed sight distances at the intersection with Ethan Allen Parkway.
  6. Prior to final plat application, written acceptance of the single access drive and its sufficiency for emergency service vehicles shall be obtained from the Fire Marshal.
  7. Prior to final plat application, a shortened construction timeline and more limited days/hours of construction shall be submitted.
  8. Prior to final plat application, submission of a project phasing schedule is recommended.
  9. Prior to final plat application, written approval of the inclusionary dwelling unit shall be obtained from the manager of the city's Housing Trust Fund.
  10. Prior to final plat approval, written approval of the project stormwater management system and erosion prevention and sediment control plan shall be obtained from the Conservation Board and the Stormwater Administrator.