

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

*David White, AICP, Director
Meagan Tuttle, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary*



TO: Development Review Board
FROM: Scott Gustin
DATE: October 20, 2015
RE: 12-1138PD Amendment; 70 Appletree Point Lane

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: WRL Ward: 4

Owner/Representative: Staniford Farms, LLC/Eric F. Farrell

Request: Amend planned unit development (PUD) approval to enable duplex use.

Applicable Regulations:

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking), and Article 11 (Planned Unit Development)

Background Information:

The applicant is requesting approval to again amend an existing final plat approval for a planned unit development (PUD) originally granted October 16, 2012 and twice amended. The requested amendment is limited in scope and includes no construction. The applicant is requesting approval to enable a duplex on lot 19 at the end of Staniford Farms Road. A duplex could not otherwise be allowed on this lot and, therefore, requires an amendment to the PUD.

The current PUD approval included 4 templates for new single family homes to be constructed. A duplex is not among those designs. As a result, any duplex proposed within the PUD will be subject to a separate zoning permit and review by the Design Advisory Board and Development Review Board.

Previous zoning actions for this property are as follows:

- 5/19/14, Amended PUD approval to adjust farmhouse location, utility revisions, retain existing storage shed, and provide 4 standard house designs
- 5/10/13, Amended PUD approval to relocate farmhouse, modify private drive, reduce number of lots and eliminate construction of homes
- 10/16/12, Approval of 26-unit Planned Unit Development (all construction included)

Recommendation: Amended final 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 duplex would result in slightly higher wastewater demand. A state wastewater permit will be needed along with an ability to serve letter from the Department of Public Works. **(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 Waterfront Residential Low Density (WRL). As with the Residential Low Density zone, the WRL zone is primarily intended for low density residential development in the form of detached single family homes and duplexes. The WRL zone is distinguished by its close proximity to the lake and a greater consideration of public views from the lake and stormwater runoff. The proposed duplex is consistent with the intent of the WRL zone. **(Affirmative finding)**

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The proposed duplex use is not expected to generate any nuisance impacts from noise, odor, dust, heat, or vibrations greater than typically generated by single family homes. **(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;*

The proposed duplex use will result in minimal additional traffic generation. **(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)**

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(2) Waterfront Residential Low Density (WRL)

The subject property is located in the WRL zone. This zone is primarily intended for low density residential development in the form of single family homes and duplexes. Due to its close proximity to the lake, design review and stormwater management are particularly important considerations. The proposed amendment to enable a duplex on lot 19 remains consistent with the purpose of the WRL zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

See Sec. 4.5.5, *Larger Lot Overlay District* for minimum lot size and density.

Lot coverage is limited to 35%. As most recently amended, a complete build-out on each lot would result in total lot coverage of 25.2%. Presumably, a duplex would result in slightly higher lot coverage and must be noted as part of the zoning permit application to construct the duplex.

Within the PUD, only peripheral setbacks apply. The overall layout of the proposed development remains unchanged.

The maximum building height in the WRL zone is 35'. No construction is included in this proposal. The zoning permit application to construct the duplex must indicate the building's height. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

This PUD was subject to conditional use review. The proposed amendment thereto is likewise subject to conditional use review. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No setback encroachments are sought.

2. Height

Not applicable in WRL.

3. Lot Coverage

No exceptions to lot coverage area sought.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

The proposed duplex use is subject to the dwelling occupancy provisions of the Comprehensive Development Ordinance. No request to exceed these limitations is included in this amendment. **(Affirmative finding)**

6. Uses

Not applicable.

7. Residential Development Bonuses

No development bonuses are being sought.

Sec. 4.5.5, Larger Lot Overlay District

(c) District Specific Regulations: RL Larger Lot Overlay

(1) Minimum Lot Size and Density

The minimum lot size for single family homes in this overlay district is 9,900 sf and 15,840sf for duplexes. Article 11, *Planned Unit Development*, allows flexibility in dimensional requirements (including lot sizes) and in residential densities. The approved project contains a number of smaller lots. Lot 19; however, is large at 1 acre and can support the duplex use. **(Affirmative finding)**

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

The proposed amendment has no effect on the buildable area calculation. Density is calculated based on 12.27 acres. At 4.4 units per acre maximum, up to 54 units could be permitted. The proposed duplex would result in 22 total units versus 21 previously approved. **(Affirmative finding)**

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. 4.5.5 above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(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 such, the duplex use requires 4 parking spaces (2 per dwelling unit). No parking information has been provided, but there is ample room on lot 19 for the required parking. The zoning permit application to construct the duplex must indicate the required parking. **(Affirmative finding as conditioned)**

Article 11: Planned Unit Development (as adopted by City Council 8.10.2015)

Sec. 11.1.6, Approval Requirements

(a) The minimum project size requirements of Sec. 11.1.3 shall be met.

Lands within the original PUD exceeded the minimum project size of 2 acres. The proposed duplex use makes no changes to the project size. **(Affirmative finding)**

(b) The minimum setbacks required for the district have been met at the periphery of the project.
As noted previously, setbacks are compliant. **(Affirmative finding)**

(c) The project shall be subject to design review and site plan review of Article 3, Part 4 and the standards of Article 6.
Not applicable.

(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.
As noted previously, density and lot coverage remain acceptable. Frontage for the entire PUD remains unchanged. **(Affirmative finding)**

(f) All other requirements of the underlying zoning district have been met as calculated across the entire project.
Applicable dimensional and use requirements have been met. **(Affirmative finding)**

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB
As approved, common open space lands will be held and maintained by the Home Owners' Association. **(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.
Not applicable.

(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;

The proposed use of land remains largely unchanged from the previous approval. The residential use is appropriate for this property and changes only insofar as a duplex will be enabled on lot 19. Site constraints, primarily wetlands and ponds, preclude the proposed number of units in a traditional subdivision meeting standard dimensional requirements. The PUD process enables flexibility in dimensional requirements that allow for the approved development. **(Affirmative finding)**

(b) Facilitate the adequate and economical provision of streets and utilities;
As approved, multiple residences will be served by shared streets and utilities within the development. **(Affirmative finding)**

- (c) *Preserve the natural and scenic qualities of open space;*
Open space will remain, and much of it will contain protected natural features like the ponds and wetlands. **(Affirmative finding)**
- (d) *Provide for a variety of housing types;*
The previous approval for only detached single family homes will be changed to allow for a duplex, thereby adding some limited diversity to housing types. **(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,*
As noted in (a) above, extensive wetlands and ponds preclude development on much of the property. As noted in the current approval, placing homes on smaller lots as proposed preserves these natural features and allows for a moderately scaled development. **(Affirmative finding)**
- (f) *Achieve a high level of design qualities and amenities.*
No changes to design or amenities are included in this proposal. **(Affirmative finding)**
- (j) *The proposed development shall be consistent with the Municipal Development Plan*
The introduction of a duplex into the approved PUD has little bearing on the project's compliance with the Municipal Development Plan. Inasmuch as there is any bearing, it is limited to the slight diversification of housing options to be included in the overall PUD. **(Affirmative finding)**
- (k) *Any proposed accessory uses and facilities shall meet the requirements of Sec. 11.1.6 below.*
Not applicable.

II. Conditions of Approval

1. Except as specifically changed in this amendment, all conditions of zoning permit 12-1138PD approved October 16, 2012 and amended May 10, 2013 and again May 19, 2014 shall remain in effect.
2. This approval enables a duplex use on lot 19 and only lot 19. Construction of a duplex shall require separate zoning permit review as a Certificate of Appropriateness Level II application. All required dimensional, design review, parking, and wastewater requirements shall be addressed in that application.
3. Erosion control measures included in the original October 16, 2012 approval shall apply to all construction included in this development (infrastructure and individual home construction).
4. Standard permit conditions 1 -15.