

Department of Permitting and Inspections

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: November 4, 2020
RE: BHS relocation

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.

File Numbers: ZP21-0377CU 12-22 North Street (**Zone** NMU, **Ward** 3C)
ZP21-0378CU; 351 North Avenue (Cambrian Rise Building B, **Zone** NAC-CR, **Ward** 4N)
ZP21-0381CU; 1251 North Avenue (St. Mark's Church, **Zone** RL **Ward** 4N)

Date application accepted: October 7, 2020

Applicant/ Owner: Burlington School District / AJ Rossman (North St); 375 North Ave LLC
Eric Farrell (Cambrian Rise); St. Mark's Church.

Request: Temporary relocation of educational services due to closure of Burlington High School.

Background:

12-22 North Street:

- **Zoning Permit 91-193;** Installation of double hung window, first floor in rear of building. No change in use. December 1990.
- **Zoning Permit 01-110; Change of use from office space to educational/office** on the first floor, Residential unit and artist studio on the second floor. No exterior changes included. August 2000.
- **Zoning Permit 02-341;** Convert entire second floor to residential unit; Currently 1 residential unit and 33 sf artist studio. March 2002.
- **Zoning Permit 05-385CA;** Installation of photovoltaic panels on lower roof of building. February 2005.
- **Zoning Permit 08-016CA;** install solar tracker. July 2009.
- **Zoning Permit 13-0462FC;** install solid privacy fence in rear yard and across driveway at rear with gates. October 2012.
- **Zoning Permit 14-0636CA;** Replace 5 windows (identified as phases I and III). December 2013.

- **Zoning Permit 15-0121CA**; replace three existing skylights in kind. Two on front and one on back. July 2014.
- **Zoning Permit 17-0699CA**; Replace rotted decking boards on south entrance ramp and landing. January 2017.

351 North Avenue; Cambrian Rise (Building B)

- **Zoning Permit 16-1183SP**; Sketch plan review of 700+ unit planned unit development with mixed commercial and residential uses, related buildings, and infrastructure. June 2016.
- **Zoning Permit 17-0252SP**; Second sketch plan review of planned unit development with mixed commercial and residential uses, related buildings, and infrastructure. October 2016.
- **Zoning Permit 17-0267SD**; Preliminary plat review of 11-lot subdivision. No development included. October 2016.
- **Zoning Permit 18-0791CA**; Revisions to Buildings B & G, with additional floor added to Building B. No change to total units in project; revisions to design of buildings and proposed transportation hub; revision to road phasing plan. May 2018.
- **Zoning Permit 21-0166CA**; Re-purpose 4000 sf of commercial area on the first floor of the existing building into 4 additional apartments, increasing the total number of residential units in the Rise from 90 to 94. August 2020.

1251 North Avenue (St. Mark's Church)

- **Non-applicability of Zoning Permit Requirements 18-0286NA**; patch in holes in parking lot, including three curb cuts. Line stripe parking lot. **September 2017.**
- **Non-applicability of Zoning Permit Requirements 16-1043NA**; continuing use of parish educational center for alternative educational program of BSD known as "Horizons." Space used as per floor plans. April 2016.
- **Non-applicability of Zoning Permit Requirements 11-507NA**; interior upgrades, sprinkler, fire alarm system. December 2010.
- **Zoning Permit 12-0634AW**; installation of two awning over two separate entries on north and south sides of church. December 2011.
- **Zoning Permit 11-0525CA**; change of use from convent to group home for 16 residents with 24 hour on site staff counselors. January 2011. Permit relinquished February 2011.
- **Zoning Permit 96-568**; installation of externally illuminated freestanding sign for St. Mark's Church. May 1996.
- **Zoning Permit 11-1080CU**, large day care up to 30 children within convent. August 2011.
- **Zoning Permit 02-016**; replace existing portions of the glass block in the cupola portion of the church with awning style windows that include a faux glassblock appearance. July 2001.

- **Zoning Permit 97-074CU**; use one pre-school classroom for 12 children as a small daycare center. June 1997.
- **Zoning Permit 94-066CU**, conditional use to operate a large day care center (up to 59). Application withdrawn. June 1994.

Overview: Burlington School District is looking to relocate several of its classrooms due to a facilities issue. Some identified locations are administratively permissible, while others require Conditional Use review for *Secondary Schools* or *Technical/Trades Schools* per Appendix A, Use Table of the CDO. 1251 North Avenue (St. Mark’s Catholic Church) and Building B at Cambrian Rise (251 North Avenue) both require Conditional Use review for the propose uses.

It has been determined that 12-22 North Street was previously permitted for educational use on the first floor, so no additional review is required for that space.

Recommended motion: Conditional Use consent approval, per the following Findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

251 North Avenue

The first floor of building B was approved for commercial use (ZP18-0791CA.) The change of use to educational has a diminished impact fee calculation per the Impact Fee Calculation for 2021. Therefore, no additional Impact Fees shall be due.

1251 North Avenue (St. Mark’s Catholic Church)

The 624 sf. Requested for the Culinary Arts program is currently the parish hall community kitchen facility. As an accessory use to the Church, the new use will fall into the same category as the existing use (“Offices and Other”) so no impact fees will be incurred. **Affirmative finding.**

Part 5: Conditional Use

Section 3.5.6 Conditional Use Review Criteria

(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;*

1251 North Avenue, St. Mark's Church

The application proposes the use of an existing commercial kitchen (624 sf) within the parish facility for the Culinary Arts program. No more than 7 students will be present concurrent with one employee (teacher) during school hours. Classes will be daily, with students distributed throughout the school week (Monday, Tuesday, Thursday and Friday) from 7:45-3:30 pm. The existing public utilities and services are able to support the use.

351 North Avenue, Cambrian Rise Building B

Three programs are proposed at this location:

- a. Digital Media Lab (no more than 10 students and one teacher; 7:45-3:30 daily)
- b. Design Illustration (not more than 9 students and one teacher at any one time, daily from 7:45-3:30) (Total area for Design Media and Media Lab 7,245 sf); and
- c. Health Sciences Advance (up to 15 students and one teacher, daily 7:45-3:30) (1,925 sf.)

The existing public utilities and services are able to support the use. **Affirmative finding.**

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;*

1251 North Avenue, St. Mark's Church

This site is within the low density residential zoning district, but the chosen site is a community oriented use with existing facilities capable of hosting the anticipated temporary use by students.

351 North Avenue, Cambrian Rise Building B

Although originally identified as commercial space in Zoning Permit 18-0791CA, the available space is perfectly adaptable to the educational use now requested. The NAC – Cambrian Rise (NAC-CR) was intended to create a new center for mixed use development that allows for a range of housing types and tenures, including complimentary general office, institutional and neighborhood oriented small-scale retail and service uses. The insertion of educational services is consistent with the intent as described.

Although not directly anticipating the challenge of relocating the entire secondary school, the following references from the Municipal Development Plan may apply: (Plan BTV)

- Strengthen partnerships between local businesses, institutions, non-profit and government agencies, and neighboring communities to actively support, attract, and retain diverse economic development and job opportunities, and create additional opportunities to retain youth. (P. 43.)
- Being a leader of and center for innovation and problem solving (P. 45.)
- Enabling a range of land use and development models that respond to, and benefit from, evolving needs of households, new technologies, and changing environmental and economic factors. (P. 49.)

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;*

There are no anticipated nuisance impacts at either location. The educational services will be provided indoors in existing facilities. **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;*

Both sites (1251 North Avenue and 351 North Avenue) are located on a major thoroughfare within the city and on public bus routes. Sending school districts will transport students to these locations for classes. BHS students will utilize local transit (GMT), bike or walk.

Affirmative finding.

and,

5. *The utilization of renewable energy resources;*

Nothing within these applications will preclude the use of wind, water, solar, geothermal or other renewable energy resources. **Affirmative finding.**

and,

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

Any fit-up will be subject to all applicable building and life safety codes. **Affirmative finding as conditioned.**

(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.*

Not applicable.

2. *Time limits for construction.*

Both locations are existing developed sites. Any interior work will be subject to trades permit review. **Affirmative finding as conditioned.**

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

Hours of operation are limited to the traditional school day: 7:45-3:30. No adverse impacts to surrounding property is anticipated. **Affirmative finding.**

4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions;*

Any change in the use will require review under the regulations in effect at the time of application. **Affirmative finding as conditioned.**

and,

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.*

The imposition of additional performance standards is at the discretion of the Development Review Board. There is nothing identifiable within the proposal to suggest a requirement for safeguards. **Affirmative finding.**

Article 4: Zoning Maps and Districts

Re: 351 North Avenue, Cambrian Rise Building B

Section 4.4.2 Neighborhood Mixed Use Districts

The Neighborhood Mixed Use districts promote development that combines non-residential and residential uses on a single site. These zones allow an increased intensity of development than would typically be found in the surrounding residential areas, and provides neighborhood oriented goods and services and employment opportunities within walking and biking distance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new commercial and residential opportunities in the City. The emphasis of nonresidential uses should primarily be oriented to serving the needs of the surrounding residential neighborhoods and other neighborhood commercial uses.

Development is intended to consist primarily of businesses on the ground floor with housing and other non-residential uses on upper stories. The exception to this is the NAC – Cambrian Rise district that is intended to be more residential in nature than the other Neighborhood Mixed Use districts and thereby is expected to incorporate residential uses at the street level.

4. *The NAC – Cambrian Rise (NAC-CR) is intended to create a new center for mixed use development that allows for a range of housing types and tenures, and to accommodate a diverse range of complimentary general office, institutional and neighborhood oriented small-scale retail and service uses. Much of the development is intended to be densely concentrated and oriented towards North Avenue, with new buildings that are complimentary to the iconic historic former-orphanage. Development should be compact, pedestrian-oriented and enhance the community with creative design, durable materials, and quality construction. Buildings fronting on North Avenue should be oriented toward and activate North Avenue, while buildings fronting on new streets should be oriented toward and activate those streets. Buildings and landscaping should work together to contribute to the physical definition of streets as civic places, with buildings at and near the street level composed of human-scaled elements and details that promote pedestrian interest, comfort, and safety. Parking should to be hidden behind, to the side, within, or underneath principle buildings, and screened from view from public streets and community spaces.*

The first floor of Building B was originally permitted as commercial space; however the conversion to education use is consistent with the intent to accommodate *a range of complimentary general office, institutional and neighborhood oriented small scale service use.* Educational use will also align with the overall district intent to *be oriented to serving the needs of surrounding residential neighborhoods* and avail itself of easy transit use, particularly as the public transit hub is located in this building. **Affirmative finding.**

Table 4.4.2 -1 Dimensional Standards and Density

There are no physical changes to the exterior of the building. Not applicable.

(b) Permitted and Conditional Uses

Educational use / Technical/Trades School are Conditional Uses in NAC-CR. See Section 3.5.6, Conditional Use Review Criteria (above) and Appendix A, Use Table.

Article 8: Parking

BSD students will largely rely on GMT buses but those students from other sending schools will be transported by those sending schools' buses. Here is a breakdown of the parking requirements per the CDO:

351 North Avenue (Cambrian Rise) is within the new Multi Modal Mixed Use Parking District, which has no minimum vehicular parking requirements.

Permit 18-0791CA approved commercial use in the area now proposed for Educational/Technical use. The parking approved under that plan required 2 parking spaces for every 1,000 sf, or 18 parking spaces for the 9,170 sf. Table 8.1.8-1 would require 5 parking spaces per classroom, or 15. As the parking requirement would be less for the new use, the existing, approved parking plan is adequate and no Transportation Demand Management is required.

There is a public transportation hub at the corner of this building, which can be readily utilized by students arriving by GMT.

Bicycle parking requirements are as follows:

Long Term: 1/20,000 sf

Short Term: 4/classroom

For the 9,170 sf dedicated to Design Media, Design Illustration and Health, **no Long Term** spaces would be required, but **16 short term** (based on four classrooms on the floor plan.)

If class areas are combined, the required bicycle parking may be reduced accordingly.

Bicycle parking was approved for the originally permitted uses at Cambrian Rise, and will be available for this newly proposed educational use.

1251 North Avenue (St. Mark's Church) is within the new Multi-Modal Multi-Use Parking District, and therefore has no minimum parking requirements. As the building footprint is less than 8,000 sf, no Transportation Demand Management Program is required (Section 8.1.16.) The site has its own parking lot associated with the principal religious use, which would be underutilized during the school week and could provide any additional parking as required. The one classroom/culinary space would spur a parking requirement of 5 vehicular parking spaces, and 4 short term bicycle parking spaces. Students will be arriving by GMT, or alternately by school bus from sending schools.

Affirmative finding as conditioned.

II. Conditions of Approval

1. For the 351 North Avenue (Cambrian Rise) location, **4 bicycle parking spaces** shall be identified for use **per classroom**. If (per the floor plans) 4 classrooms are intended, 16 short term bicycle parking spaces will be required. Existing bicycle parking facilities may be employed toward this requirement.
2. For 1251 North Avenue, **4 short term bicycle parking spaces** will be required, and 5 vehicular spaces within the existing shared-use parking lot to be utilized during the school day.
3. Per **Section 2.7.8, Withhold Permit**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations.
4. Any future uses shall be reviewed under the regulations in effect at the time of application.
5. Standard Permit Conditions 1-15.

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