

## Burlington Development Review Board

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## Burlington Development Review Board

### Findings of Fact

**Deliberative Hearing: Tuesday, September 4, 2018**

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**In RE:** 18-1208CA/MA; 75 Briggs Street (Ward 5S, ELM) (Tax Lot No. 057-2-128-000)

**Owner/Applicant:** Onion River Cooperative, Inc. / Charest Alpinism, LLC

**Request:** Construct new health club/climbing center. Includes a new building and related site improvements.

#### **Members Present:**

Brad Rabinowitz  
Austin Hart  
Samantha Tilton  
Springer Harris

#### **Evidence Presented:**

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

## **I. FINDINGS**

#### **Background Information:**

The applicant is seeking approval to construct a new health club/climbing center and related site improvements at 75 Briggs Street. This parcel is presently vacant with one remaining building left over from the former railroad use of the property. This proposal is a comprehensive redevelopment of the site involving the new 13,450 sf building, retention of the existing 4,000 sf building, and new parking, landscaping, and stormwater management features. The climbing center is categorized as a health club in the Comprehensive Development Ordinance and is a conditional use in the E-LM zone. As the project entails a development footprint of > 40,000 sf, major impact review is also triggered.

This project was reviewed by the Technical Review Committee on February 8, 2018. Sketch plan review with the Conservation Board occurred April 2, 2018, with the Design Advisory Board on April 10, 2018, and with the Development Review Board on May 1, 2018.

The Conservation Board reviewed this application on July 2, 2018 and recommended approval as proposed. The Design Advisory Board reviewed it on July 24, 2018 and recommended approval with the following conditions:

1. Indicate Phase 2 work on the site plan, to be completed at a future date pending the construction of the Champlain Parkway improvements along Briggs Street, to include:
  - a. Additional shade trees planted within the bioswale
  - b. New walkway connecting the Briggs Street sidewalk to the entry door on the east elevation
2. Add visual interest to the north elevation by exploring the following:
  - a. Develop the proposed green wall / trellis structure on the north elevation
  - b. Expand the graphics on the north wall
  - c. Add a roof canopy/awning over the exterior door
3. Indicate location of electrical transformer or mechanical equipment and method of screening.
4. Solar ready construction, including conduit to the roof, is encouraged.

Revised project plans have been submitted to address the recommendation of the DAB.

The Development Review Board reviewed this application August 21, 2018. The public hearing was continued to September 4, 2018 to afford additional time for the applicant and the Department of Public Works to address outstanding traffic concerns. An updated traffic impact study has been provided, and comments have been issued by the Department of Public Works. In addition to resolving traffic matters, the applicant seeks approval to leave rooftop mechanical equipment as originally proposed without a screening enclosure. Perspective drawings and related plans have been provided for review.

Previous zoning actions for this property are noted below.

- 11/21/16, Approval to remove portion of gravel lot and convert to green space
- 10/4/16, Approval to construct new grocery store and subdivide the property in two (creating the present lot)

### **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 utilities. Sufficient water and sewer service are available. A State of Vermont wastewater permit will be required. A capacity letter issued by the Dept. of Public Works has been obtained. **(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;*

The subject property is located within the Enterprise – Light Manufacturing zone. This zone is intended primarily for manufacturing, distribution, processing and the like; however, other commercial uses are allowed. The proposed health club is one of those allowed uses. It is situated in a location with ready access from other nearby commercial uses and a large 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 health club is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. The proposed construction is set relatively far from homes in the adjacent neighborhood. **(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 applicant has provided a traffic analysis outlining anticipated traffic impacts relative to the new facility. The analysis contains the standard items such as crash history, total trip generation, and intersection level of service. No high crash locations are nearby, and none are expected as a result of this development. The new building is expected to result in a net increase of 37 weekday PM peak hour trip ends over existing conditions with the present facility in operation. By way of comparison, the new City Market next door anticipated 320 weekday PM peak hour trip ends including 260 vehicular trips. The anticipated increase in traffic is modest and is expected to have minimal to moderate impacts on nearby intersection level of service (LOS). The LOS for the Briggs Street/Flynn Avenue intersection is expected to remain unchanged in 2024 whether the project is built or not. The Champlain Parkway/Flynn Avenue intersection; however, is expected to worsen from an LOS E to F under the 2024 “build” scenario. The traffic analysis includes several measures that may be implemented for mitigation of traffic impacts at this intersection. Changes to the proposed Parkway improvements now may trigger additional permitting review for that project. Therefore, any revisions such as traffic signal timing should take place after construction of the Parkway improvements. With that in mind, the Department of Public Works requests that the traffic impact fees associated with this project be available for a period of five years following completion of the Champlain Parkway. **(Affirmative finding as conditioned)**

*and,*

5. *The utilization of renewable energy resources;*

The project plans have been revised to depict rooftop location for a potential solar array. **(Affirmative finding)**

*and,*

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

Technical Review Committee comments relative to applicable City bylaws have been provided.

(b) Major Impact Review Standards

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

No significant air or noise pollution is anticipated as a result of this development. **(Affirmative finding)**

See Sec. 5.5.3 for stormwater management.

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;*

No impacts on the city's educational system are anticipated as a result of this purely commercial development. **(Affirmative finding)**

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 are expected to be relatively modest. Impacts will be mitigated by payment of impact fees following project completion. **(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 Article 6 for effects on significant natural areas, historic buildings, and archaeological significance.

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 located within the E-LM zone – an area of the city specifically zoned for a variety of commercial land uses. The project will not adversely impact the city's present or future growth patterns. The development is of a relatively moderate scale and is not

expected to have an undue adverse impact on the city's ability to accommodate growth. **(Affirmative finding)**

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

Several provisions of the Municipal Development Plan target the Enterprise zones for new commercial investment and development (Land Use Policies, pg. I-2; Growth Areas, pg. I-22 {The Enterprise District}). Further, this project brings about new investment to a site with significant soil contaminants (Land Use Policies, pg. I-23 {Brownfields}). As required, the new building will comply with present energy efficiency standards of the city and state (Energy Plan, pg. VIII-1). **(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 commercial development will have no impact on the present or projected housing needs of the city. **(Affirmative finding)**

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

Little impact on the city's park and recreation needs is expected as a result of this development. What impact there is will be mitigated by payment of impact fees. **(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.*

The proposed development will likely not generate offsite noise or glare substantial enough to require mitigation. Screening of the parking lot along Briggs Street is proposed in an effort to reduce the visual impact associated with the relatively large parking lot. **(Affirmative finding)**

*2. Time limits for construction.*

The application anticipates a 12-month construction timeline starting this coming winter. The standard 2-year timeframe for zoning permits will apply. The project plans have been revised to depict 2 phases. Phase 1 contains almost all of the project. Phase 2 contains work mostly within the street right-of-way along Briggs Street, including, but not limited to, walkways connecting to the future public sidewalk. The plans note that the phase 2 work will be done in conjunction with the Briggs Streets improvements associated with the Champlain Parkway. Conceptually, this arrangement may be acceptable; however, the zoning permit cannot last indefinitely. The project's work along Briggs Street should be done within five years or with the Champlain Parkway work, whichever comes first. If, perchance, an amendment is needed to enable better coordination of the street and site work, one may be sought. The walkways out to Briggs Street

must be installed with phase 1, but can be in temporary form (gravel). They must be in final form (concrete) upon completion of phase 2. **(Affirmative finding as conditioned)**

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

Hours of operation are noted as 10:00 AM – 10:00 PM, Monday – Friday; 10:00 AM – 8:00 PM Saturday, and 10:00 AM – 6:00 PM on Sunday. The application notes that morning hours at the new facility may be expanded. If so, they must be specified.

Construction hours are not noted in the application. Typical construction hours within or close to residential areas are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No work on Sunday. **(Affirmative finding as conditioned)**

*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. **(Affirmative finding)**

*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 the recommended conditions.

#### **Article 4: Maps & Districts**

##### ***Sec. 4.4.3, Enterprise Districts:***

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

###### ***(1) Light Manufacturing (E-LM)***

The subject property is located in the E-LM zone which is intended as the primary commercial/industrial center of Burlington. The proposed health club is consistent with the array of commercial uses allowed in this zone. **(Affirmative finding)**

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

Proposed building area is 13,470 sf. Along with the existing 4,000 sf building to remain, FAR is 0.24 on the 1.68 acre lot. This FAR is well below the 2.0 FAR limit in this zone.

Proposed lot coverage will be 58.9%. This percentage is under the maximum allowable 80% coverage.

The proposed front yard setback is 20' along Briggs Street. The minimum required is 5'. Side yard setbacks are not applicable in the E-LM zone. The minimum required rear yard setback is 10% of the lot depth – in this case about 12.5,' although the rear lot line is somewhat angled. The building is set about 60' from the rear property line.

Maximum building height will be 44' to the midpoint of the sloped shed roof and is under the maximum permissible 45' height. **(Affirmative finding)**

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

The proposed climbing center is a “health club” under Appendix A of the CDO and is a conditional use in the E-LM zone. **(Affirmative finding)**

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

Not applicable.

**Article 5: Citywide General Regulations**

***Sec. 5.2.3, Lot Coverage Requirements***

See Sec. 4.4.3 (b) above.

***Sec. 5.2.4, Buildable Area Calculation***

Not applicable.

***Sec. 5.2.5, Setbacks***

See Sec. 4.4.3 (b) above.

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

See Sec. 4.4.3 (b) above.

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

See Sec. 4.5.3 (b) 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***

New outdoor lighting is included in the application and will include illumination of the parking area, walkways, and building entries. Fixture cut sheets and a photometric plan have been provided. Acceptable cutoff LED fixtures are proposed. Pole lamps illuminating the parking area are acceptable at 16’ tall. Acceptable illumination levels are depicted for the parking lot and roof deck. While illumination levels are depicted for the building entries and walkways, the summary table does not indicate average, maximum, and minimum illumination levels for these features. This information is needed in order to determine compliance with the applicable lighting standards of Sec. 5.5.2. Building entries are limited to 5.0 footcandle average, and walkways are limited to 0.5 footcandle average with no point to exceed 2.0 footcandles.

**(Affirmative finding as conditioned)**

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

Presently, there are no stormwater management features onsite. The proposed project design includes four bioretention areas. These areas will collect stormwater runoff from the parking area and building rooftop and will attenuate flows prior to discharge to the city’s combined sewer system. The contaminated soils onsite prevent utilizing infiltration, but post-development peak flows will be significantly reduced for the one year design storm. Both the stormwater management plan and the erosion control plan have been reviewed and approved by the city’s stormwater program manager. **(Affirmative finding)**

**Article 6: Development Review Standards:**

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

Not applicable.

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

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

*(a) Protection of important natural features*

The property does not contain any important natural features as identified in the Open Space Protection Plan or as outlined in Sec. 4.5.4, *Natural Resource Protection Overlay Districts*. In fact, the property is nearly devoid of any green space at all. It is a vacant former railroad property. The proposed construction will have no impact on Burlington's diversity of important natural features. **(Affirmative finding)**

*(b) Topographical alterations*

The existing property is essentially flat and will remain so. Proposed grading will direct stormwater runoff into newly proposed stormwater management measures. In an effort to retain as much soil onsite as possible (rather than landfill it), a berm will be created at the north end of the property. **(Affirmative finding)**

*(c) Protection of important public views*

There are no significant public views from or through the subject property. The proposed construction will not adversely impact any identified public view corridor. **(Affirmative finding)**

*(d) Protection of important cultural resources*

The property has no known archaeological significance. It contains no archaeological site points, nor is it located within an archaeologically sensitive area. **(Affirmative finding)**

*(e) Supporting the use of alternative energy*

See Sec. 6.3.2 (f).

*(f) Brownfield sites*

The Vermont DEC Hazardous Site List specifically lists this property as a contaminated site. The applicants are working on a corrective action plan (CAP) with VT DEC to address onsite contaminants. This CAP was addressed with the Conservation Board. Essentially, the contaminated soils will be capped onsite. Soils that cannot be retained onsite will be disposed of in a landfill. **(Affirmative finding)**

*(g) Provide for nature's events*

See Sec. 5.5.3 for stormwater management.

The main building entry will be sheltered. There is sufficient room onsite for snow storage during the winter months. **(Affirmative finding)**

*(h) Building location and orientation*



The proposed building will be set fairly close to the street, reflecting similar front yard setbacks at neighboring properties. As required, the new building presents an entryway facing Briggs Street. **(Affirmative finding)**

*(i) Vehicular access*

The property will be served by two driveways. The southern driveway will seemingly serve to access the existing outbuilding. The northern driveway will act as the primary vehicular access into the site for visitors. Sight triangles are clear for both driveways. **(Affirmative finding)**

*(j) Pedestrian access*

Pedestrian access to the property will be afforded by way of new onsite walkways. The site plan also notes a future new sidewalk within the Briggs Street right-of-way. The Department of Public Works requests that the applicants establish a financial surety to cover half the cost of construction of this new sidewalk. The site plan also depicts a new crosswalk across Briggs Street. DPW review and approval will be required for this feature. Work within the street ROW is to take place as part of phase 2 – built concurrently with the Briggs Street improvements related to construction of the Southern Connector. As noted above, at least temporary walkways connecting to Briggs Street will be required as part of phase 1. As required, pedestrian walkways are provided through the parking areas for access into the new building. **(Affirmative finding as conditioned)**

*(k) Accessibility for the handicapped*

Handicap parking spaces are depicted near the south-facing building entrance. Entries into the building appear to be at-grade. It is the applicant's responsibility to comply with all applicable ADA requirements. **(Affirmative finding)**

*(l) Parking and circulation*

Parking is set to the side and rear of the new building. Given the lengthwise orientation of the property along Briggs Street, the side parking lot also has frontage along the street. Following DAB review, screening of the parking has been fortified along that section of parking between the two driveways.

Parking spaces and circulation isles appear to be dimensionally compliant. Most parking spaces are 9' X 18', and circulation isles are 24' wide allowing for 10' wide travel lanes and compliant back-up space. The 18' parking space depth is acceptable given that all of the spaces are peripheral. Parking spaces along the rear of the property are a full 20' deep.

Curbing is evident along much of the parking lot's edge. There is no curbing along the western edge where stormwater runoff will sheetflow into the linear bioretention area. As recommended by this criterion, the parking area is divided into smaller components with peripheral landscaping to delineate the boundaries of the parking and circulation areas.

This criterion establishes a target of 30% shading of the parking area with new shade trees. At least 1 shade tree for every 5 parking spaces is required. The new parking lot contains 65 parking spaces and requires 13 shade trees. As proposed, 14 new shade trees will be planted within or around the parking lot (additional trees are proposed, but provide minimal, or no, shade

for the parking lot). The shade trees have been reviewed for acceptability by the city arborist. The shading plan demonstrates 45% shading of the parking lot.

Bike racks are depicted on the site plan. They are appropriately located near the building's southern entry. **(Affirmative finding)**

*(m) Landscaping, fences, and retaining walls*

The project plans include a landscaping plan that encompasses a variety of plantings. As noted above, shade trees will be planted in and around the parking lot. Additional plantings will accent the building and site features. As previously noted, additional screening of the parking between the two driveways has been incorporated into the revised project plans.

Three new trees straddle the front property line along Briggs Street. In consultation with the city arborist, these trees will be planted in concurrence with the Briggs Street improvements associated with the Champlain Parkway. **(Affirmative finding)**

*(n) Public plazas and open space*

No public plazas or open space are included in this proposal. **(Affirmative finding)**

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

The site plans depict a trash/recycling/compost area behind the building to be screened with 6' tall slatted wooden fencing. An electrical transformer box is depicted next to the trash/recycling/compost area and is screened. All new utility lines must be buried. **(Affirmative finding as conditioned)**

**Part 3, Architectural Design Standards**

**Sec. 6.3.2, Review Standards**

*(a) Relate development to its environment*

*1. Massing, Height, and Scale*

The proposed building contains 13,450 sf GFA with a 9,000 sf footprint. The massing of the structure is broken into distinct building components as required by this criterion. Varying roof forms and materials reinforce the perception of separate building components. Its height, as measured to the midpoint of the sloped roof, is within the 45' height limit in the ELM zone. Overall building scale fits within the context of the built environment. The newly constructed City Market next door is ~ 30,000 sf, while the remaining building on the subject site is 4,000 sf. Significantly larger commercial buildings exist to the north, while significantly smaller residential structures are to the east.

Much of the DAB discussion of the new building centered on the north elevation. While it is not the primary façade, it will be readily visible from the street and from the neighboring City Market property. The DAB was concerned with the relatively large expanse of uniform exterior wall. As noted below, the interior function of the space as an indoor climbing center limits the amount of functional glazing that can be installed. With that in mind, the DAB

recommended integration of a green wall or trellis, expansion of the proposed graphics, and installation of a canopy over the exterior door. The elevation plans have been revised to incorporate all three elements. **(Affirmative finding)**

*2. Roofs and Rooflines*

As noted above, the proposed building incorporates multiple roof lines. The primary roof structure is a simple sloped shed roof. Other roof sections are flat or nearly so. These roof forms are common in the ELM zone. Part of the roof area will be activated with programmatic uses. **(Affirmative finding)**

*3. Building Openings*

The primary building entrance is sheltered and oriented towards Briggs Street. It is also accessible from the parking area to the south. This primary entrance clearly reads as such. The fenestration is consistent with the angular, boxy appearance of the building. The function of the building's interior as a climbing center limits the placement and extent of fenestration. With that said, additional fenestration has been incorporated into the building's design since sketch plan review and is placed proportionately throughout. Further revision has taken place since DAB review. **(Affirmative finding)**

*(b) Protection of important architectural resources*

This new construction will not affect existing historic buildings in the area. No building demolition is included in this application. **(Affirmative finding)**

*(c) Protection of important public views*

See 6.2.2 (c) above.

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

The building is set relatively close to the street and presents a clearly defined sheltered entrance easily accessible from the newly constructed sidewalk. The outdoor patio area and adjacent walkways further improve the perceived sense of invitation into the building. Ample street level glazing affords visual access into the building by patrons and passersby. **(Affirmative finding)**

*(e) Quality of materials*

The building will be clad in metal siding. Texture and finish will vary to limit the monotony of a singular siding type. Aluminum frame windows will be installed throughout. Wooden accents will be incorporated into the entry canopy. The proposed materials are of acceptable quality and durability for this new construction. **(Affirmative finding)**

*(f) Reduce energy utilization*

Inclusion of rooftop solar is being considered but not yet confirmed. Installation is encouraged. The new building must comply with the current energy efficiency requirements of the city and state. **(Affirmative finding as conditioned)**

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

Exterior signs are depicted on the elevation plans. Sign location and area appear to be acceptable. Exterior signage is handled by way of separate zoning permit in any event. **(Affirmative finding as conditioned)**

*(h) Integrate infrastructure into the building design*

The latest project plans depict rooftop mechanical equipment. The equipment is set midway down the back of the sloping shed roof. In this location, the roof itself provides screening of the equipment as viewed from the public street. **(Affirmative finding)**

*(i) Make spaces safe and secure*

Entryways will be illuminated. Egress and fire safety standards will apply as administered through the offices of the fire marshal and of the building inspector. **(Affirmative finding)**

**Article 8: Parking**

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

The proposed health club is located in the Shared Use Parking District. The minimum onsite parking requirement is 2 spaces per 1,000 sf. At 17,450 sf, the combined building area of the health club will require 35 spaces. As proposed, 64 parking spaces will be constructed, including ADA spaces and an alternative fuel vehicle parking space. **(Affirmative finding)**

***Sec. 8.1.9, Maximum Parking Spaces***

This section limits surface parking to 125% of the Neighborhood Parking District minimum parking requirement. The alternative fuel vehicle parking space provided is exempt from this provision. The Neighborhood Parking District requirement is 3 spaces per 1,000 sf for the health club (52 spaces in this case). The maximum limitation is 125% of this minimum (65 spaces in this case). **(Affirmative finding)**

***Sec. 8.1.10, Off-Street Loading Requirements***

The existing 4,000 sf building will use an existing loading bay. A loading area will be provided to the rear of the new building and is noted on the site and elevation plans. **(Affirmative finding)**

***Sec. 8.1.11, Parking Dimensional Requirements***

See Sec. 6.2.2 (l).

***Sec. 8.1.12, Limitations, Location, Use of Facilities***

*(a) Offsite parking facilities*

**(Not applicable)**

*(b) Downtown street level setback*

**(Not applicable)**

*(c) Front yard parking restricted*

**(Not applicable)**

*(d) Shared parking in the Neighborhood Parking Districts*

**(Not applicable)**

*(e) Single story structures in Shared Use Districts*

See Sec. 8.1.8.

*(f) Joint use of facilities*

As enabled by this section, parking for all of the uses onsite will be provided in a single parking facility. **(Affirmative finding)**

*(g) Availability of facilities*

None of the proposed parking will be used for the storage or display of vehicles or materials by offsite users. Parking will be for clients and employees only. **(Affirmative finding)**

*(h) Compact car parking*

**(Not applicable)** This limitation applies only to structured parking.

***Sec. 8.1.13, Parking for Disabled Persons***

The site plans depict several handicap parking spaces in close proximity to pathways and the building's main entrance. Associated striping is also shown. ADA compliance is administered via the city's building permit process. **(Affirmative finding)**

***Sec. 8.1.14, Stacked and Tandem Parking Restrictions***

**(Not applicable)**

***Sec. 8.1.15, Waivers from Parking Requirements / Parking Management Plans***

**(Not applicable)**

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

Table 8.2.5-1, *Bicycle Parking Standards*, does not include health club as a use. The most recent new health club approved by the Development Review Board used the community center standard as a "best fit." Under that standard, the bike parking requirement for the 17,450 sf health club amounts to 10 short term spaces (3 per 5,000 sf) and 1 long term space (1 per 20,000 sf). As proposed, 10 short term spaces will be provided along with 1 long term space. Locations and details for the short term bike parking spaces are provided. The long term space will be provided within the employee breakroom. **(Affirmative finding)**

**II. MINUTES**

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

**III. MOTION**

**Motion: Austin Hart**

I move that the Board grant certificate of appropriateness and major impact approval for construction of a new health club/climbing center with a new building and related site improvements at 75 Briggs Street based on the findings in Section I above and subject to the following conditions:

1. **Prior to release of the zoning permit**, revised project plans depicting average, maximum, and minimum illumination levels for the building entries and walkways shall be submitted, subject to staff review and approval.
2. The proposed crosswalk within the public street right-of-way is **subject to review and approval by the Dept. of Public Works**. *All other construction within the public street right-of-way is subject to an encumbrance permit issued by the City Council in conjunction with the Dept. of Public Works.*
3. The applicant shall provide a financial surety for half the cost of the new public sidewalk along Briggs Street. The surety shall be in a form and amount acceptable to the City Attorney and the City Engineer.
4. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development. The traffic impact fee shall be made available for a period of five years following completion of the Flynn Avenue / Champlain Parkway intersection.
5. This project contains two phases. Phase 1 is to be completed within 2 years of the date of approval. Phase 2 is to be completed within 5 years of the date of approval or in concurrence with the Champlain Parkways improvements to Briggs Street, whichever comes first. Phase 1 must include at least temporary (gravel) walkways out to Briggs Street. They must be in final form (concrete) upon completion of phase 2.
6. Days and hours of operation are limited to 10:00 AM – 10:00 PM, Monday – Friday; 10:00 AM – 8:00 PM Saturday, and 10:00 AM – 6:00 PM on Sunday. Any expansion of these hours of operation will require conditional use review and approval by the DRB.
7. Days and hours of construction are limited to Monday – Friday 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.
8. A State of Vermont wastewater permit is required.
9. All new utility lines shall be buried.
10. It is the applicant's responsibility to comply with all applicable ADA requirements.
11. Incorporation of solar energy devices is encouraged.
12. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
13. Any outdoor signage will require a separate sign permit.
14. Standard Conditions 1-15.

**Seconded: Springer Harris**

**Vote: 4-0-0, motion carried.**

Dated at Burlington, Vermont, this \_\_\_ day of September, 2018.

Respectfully Submitted,

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Brad Rabinowitz, Development Review Board Chair

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