

## Department of Permitting and Inspections

Zoning Division

645 Pine Street

Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

*William Ward, Director  
Theodore Miles, Code Compliance Officer  
Charlene Orton, Permitting and Inspections Administrator  
Scott Gustin, AICP, CFM, Principal Planner  
Mary O'Neil, AICP, Principal Planner  
Ryan Morrison, Associate Planner  
Vacant, Planning Technician  
Celeste Crowley, Permit Administrator*



## MEMORANDUM

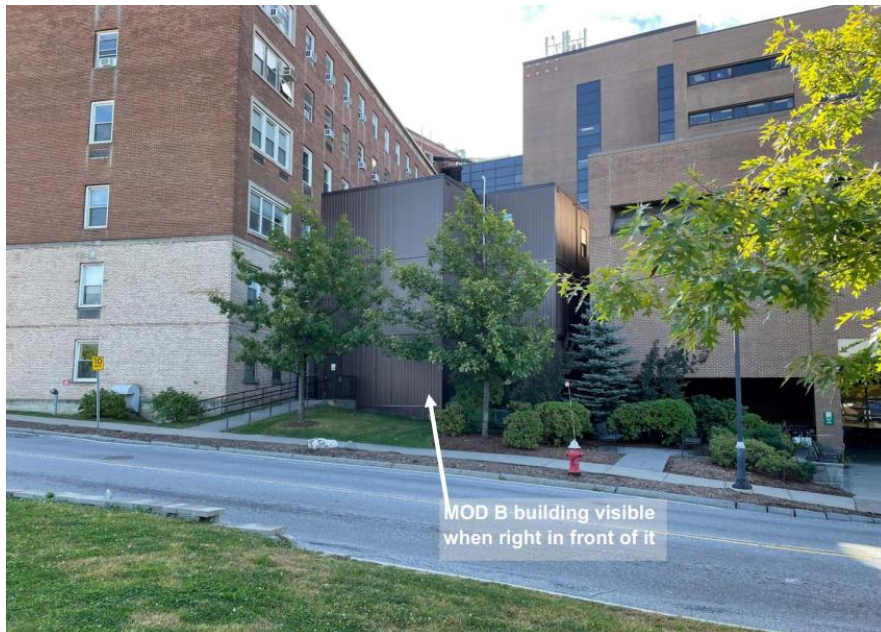
To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: November 16, 2021

RE: ZP21-690 111 Colchester Avenue, Mod "B" building

**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 Number:** ZP21-690

**Zone:** I **Ward:** 1E

**Date application accepted:** September 24, 2021

**Applicant/ Owner:** White & Burke / University of Vermont Medical Center

**Request:** Approve the Mod B building as a permanent structure

### Background:

There are dozens of permits for the University of Vermont Medical Center complex / Fletcher Allen Health Care / Mary Fletcher Hospital. Of consequence in this review is:

- **Zoning Permit 16-1221CA;** request for extension of time for temporary Modular B building on the Medical Center campus. Approved June, 2016.

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

- **Zoning Permit 11-0646CA**; Upgrade of Modular Building B appearance with landscaping and hardscaping per condition 2 of ZP06-025CA; time extension to 11/30/2016. May 2011.
- **Zoning Permit 06-025CA**; remove 3 temporary buildings and retain 1 modular Building “B”. Extend time frame for removing building “B” by 5 years. September 2005.
- **Zoning Permit 01-379**; Construct four temporary buildings; three to house hospital functions displaced during construction (of the Ambulatory Care Center); and one as a temporary entrance for the emergency department. Approved April 17, 2011.

**Overview:** Modular Building “B” (“Mod B”) was included in Phase C of the Ambulatory Care Center Renaissance Project; one of four temporary buildings erected to accommodate hospital function during construction (ZP01-379 / COA 00-038C.) Although the other three temporary buildings have been removed (ZP06-025CA), Mod B continues to function as important program space for hospital activities.

Condition #1 of ZP11-0646CA stated:

*The subject building shall be removed, and the site shall be returned to green space by November 30, 2016.*

*If it is determined that any further retention of the building is necessary, the hospital shall resubmit a zoning permit application for the entire modular building and return to the DRB for further consideration, including but not limited to permanent exterior architectural improvements to the buildings, or its replacement.*

Hospital representatives met with staff in 2005 to gather preferences for new exterior sheathing; staff felt that was not necessary, and the building with its existing exterior finish could remain. UVMMC (formerly FAHC) did make improvements to its appearance and the surrounding hardscape, which remain in place.

In June 2016, the DRB granted approval to keep the MOD B as a temporary building for an additional five years with all previous conditions of approval remaining in effect and the removal date was extended to November 30, 2021. Staff recommended in that review that the Mod B be considered as a permanent installation, as it had been in place more than 15 years and was included in all planning aspects of the institution’s programming and development.

This application seeks to recognize the Mod B building as a permanent structure within the UVMMC Core Campus.

**Recommended motion: Certificate of Appropriateness Consent Approval**, per the following findings and conditions:

**I. Findings**

**Article 3: Applications, Permits and Project Reviews**

**Part 3: Impact Fees**

Condition #2. Of ZP 11-0646CA stated:

*2. Given the length of time Modular Building B has been in place, impact fees are due. At least 7 days prior to issuance of a certificate of occupancy, the applicant shall pay to the Planning*

and Zoning Department the impact fee as calculated by staff based on the square footage of the subject building.

A Certificate of Occupancy was issued based on self-certification, which was signed by a hospital project manager February 2, 2012. An email within the project folder for the last zoning permit **confirms payment made for Impact Fees. Affirmative finding.**

#### **Article 4: Zoning Maps and Districts**

##### **Section 4.5.2 Institutional Core Campus Overlay Districts**

1. *ICC-FAHC allows for an increased development scale and intensity than would typically be found in the adjoining and underlying districts to support continued growth and expansion of the state's academic medical center.*

##### **(c) District Specific Regulations: Fletcher Allen Health Care Campus (ICC-FAHC)**

###### *1. Transitional Buffer*

###### *A. Transitional buffer*

No change

###### *B. Lot Coverage*

No change

*C. Unless replaced on site, no housing unit in a residential structure located within the Transitional Buffer shall be demolished...*

Not applicable.

###### *2. Lot Coverage*

No change. The Mod B building has been included in all coverage calculations submitted by the institution since it was erected.

###### *3. Setbacks*

No change

###### *4. Surface Parking*

No change

###### *5. Building Height*

No change

###### *6. Density*

No change

**Affirmative finding.**

#### **Article 5: Citywide General Regulations**

##### **Part 1: Uses and Structures**

##### **Section 5.1.2 Structures**

This is the same building that was permitted originally under ZP01-379 / COA00-038C; with an extension under ZP06-025CA and ZP16-12221CA and upgrades under ZP11-0646CA. There are no exterior changes proposed.

*(f) Temporary Structures:*

*Underlying zoning*

*A structure placed over 31 consecutive days or more within any 12 month period at the same location is no longer considered a temporary structure.*

Although originally considered temporary, Mod B has demonstrated both its utility to hospital programmatic needs and its enduring performance as an institutional building. While the other three buildings have been removed (ZP06-025CA), Mod B continues to perform as a comfortable building for staff as well as highly beneficial to the hospital's needs. The institution continues to evaluate program areas and plan for future needs, and requests continued use of the Mod B building as a permanent structure while those plans unfold. Mod B has been included in all coverage calculations and project planning for the campus since its installation. As the building has been in place for 15 years and continues to satisfy the demands of the institution, it is safe to consider the building a permanent installation until such time as institutional master planning requires its replacement. **Affirmative finding.**

**Section 5.2.3 Lot Coverage Requirements**

No change. **Affirmative finding.**

**Section 5.2.4 Buildable Area Calculation**

Not applicable.

**Section 5.2.5 Setbacks**

No change. **Affirmative finding.**

**Section 5.2.6 Building Height Limits**

No change. **Affirmative finding.**

**Section 5.4.8 Historic Buildings and Sites**

Not applicable.

**Section 5.4.9 Brownfield Remediation**

Not applicable.

**Section 5.5.1 Nuisance Regulations**

There are no changes proposed that might introduce adverse impacts to surrounding properties.

**Affirmative finding.**

**Section 5.5.2 Outdoor Lighting**

No change. **Affirmative finding.**

**Section 5.5.3 Stormwater and Erosion Control**

No changes proposed. **Affirmative finding.**

**Section 5.5.4 Tree Removal**

No tree removal is proposed. **Affirmative finding.**

**Article 6: Development Review Standards**

There are no changes proposed to the building; it remains as it was permitted under ZP01-379/COA 00-038C, ZP06-025CA, ZP11-0646CA and ZP16-1221CA. The applicant requests permanent status for the Mod B building.

Although permit conditions in ZP06-025CA directed the upgrade of the appearance of the building, subsequent permitting (ZP11-0646CA) substantially improved the landscaping. There is a small park with landscaping that was added in front of the Mod B building in 2011. This landscaping has grown considerably since then. It helps to screen the building and provide a location for visitors and employees to sit and relax. There are no proposed changes to this small park space.

The building itself has become part of the fabric of the institution and in appearance has modern finishes that are currently in fashion on new buildings within the city. In that aspect, the Mod B building has been a precursor to building trends, and has now come of age.

No further alteration is proposed.

**Affirmative finding, as conditioned.**

### **Article 8: Parking**

All parking calculations submitted under subsequent permits have included uses and patient beds in the entire UVM Medical Center facility. The retention of the Mod B building will have no impact on the bed count (the index on which parking requirements are based) or parking calculations for the overall use.

**Affirmative finding.**

## **II. Conditions of Approval**

1. All conditions of ZP01-379 / COA00-038C (as the later relates to the Mod B building), ZP06-025CA, ZP11-0646CA and ZP16-1221CA, except as modified by subsequent permit or as specifically modified in this approval, shall remain in effect.
2. Standard Permit Conditions 1-15.

**NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.**