

## Department of Planning and Zoning

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### MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: April 5, 2016

RE: ZP16-0904SP; Sketch Plan Review for 66, 72, 80, 94 and 96 Colchester Avenue; 27 and 49 Fletcher Place

**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:** ZP16-0904SP

**Location:** 66, 72, 80, and 94 Colchester Avenue; 27 and (a portion of) 49 Fletcher Place

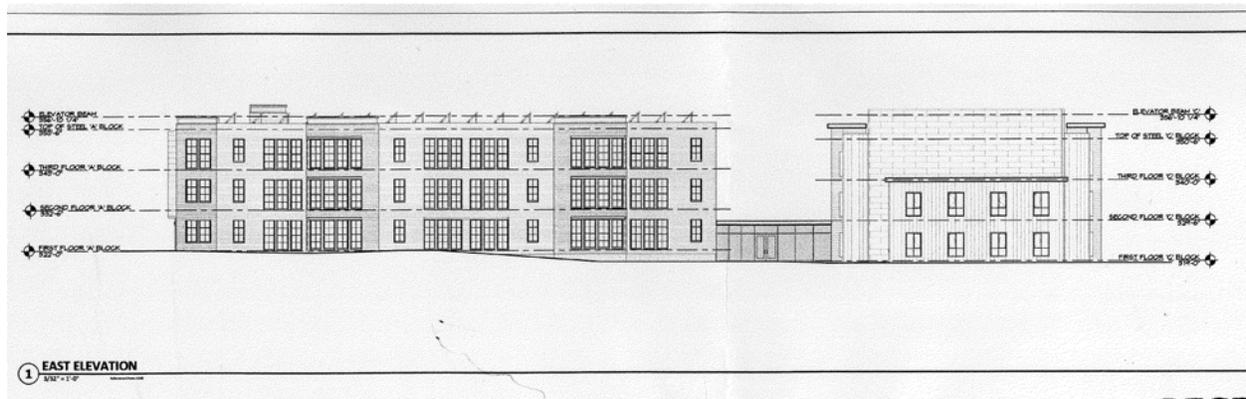
**Zone:** Institutional **Ward:** 1E

**Date application accepted:** March 3, 2016

**Revised information received:** March 28, 2016

**Applicant/ Owner:** Randall Miller and Francis J. VonTurkovich (49 Fletcher Place owned by Nancy Reid.)

**Request:** Construct 2 three story buildings containing 78 apartment units with above-ground and underground parking.



#### Background:

##### 66 Colchester Avenue

- **Sketch Plan Review 16-0746SP;** Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)

- **Sketch Plan Review ZP16-0393SP**, Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **Zoning Permit 87-853**; construct 250 sf. addition to rear of existing office use, provide one additional parking space. (5 + 1 = 6) Approved May 1988.
- **Zoning Permit**, install a 2' x 24' drain trough on the west side of the building. June 1974.
- **Zoning Permit**; convert property to a dental office. Five paved parking spaces. January 1961.

## 72 Colchester Avenue

- **Sketch Plan Review 16-0746SP**; Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)
- **Sketch Plan Review ZP16-0393SP**, Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **CU-97-050**; Housing replacement exemption. Approved with conditions March 1997.
- **Zoning Permit 89-051 / COA 89-013**; construct 18' x 20' second story addition on rear of existing single family home, no change to site plan. Approved February 27, 1989.

## 80 Colchester Avenue

- **Sketch Plan Review 16-0746SP**; Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)
- **Sketch Plan Review ZP16-0393SP**, Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **Sketch Plan Review 15-0896SP**, construct 79 apartment units in 3 story building with underground and above-ground parking facilities, April 2015.
- **Zoning Permit 15-0390SN**; install new freestanding sign for Hillel. Approved October, 2014.
- **Zoning Permit 15-0042CA/CU**, change of use from office to membership club; exterior staircase and install bike rack. Approved August 2014.
- **Zoning Permit CU 2004-016**; application for use by UVM affiliated Center for Children, Youth and Families Administrative offices. Approved with conditions, January 2004.
- **Zoning Permit 01-389**; installation of an externally illuminated freestanding sign for the existing medical (chiropractic) office. Approved April 2001; not pick up and confirmed expired in 2011.
- **Zoning Permit CU 2001-035**; change of use of first floor space from office to medical chiropractic office. Removed from agenda as determined that the proposed conversion from a medical billing office to a chiropractic office on the first floor does not require conditional use review. February 2001.

- **Zoning Permit 00-516**; refurbish existing side porch to allow ramping of deck for handicapped accessibility to the existing medical office. No increase in footprint. December, 2000.
- **Zoning Permit 99-277**; removal of slate roofing material, replacing with asphalt shingles for the existing medical office. Approved December 1998.
- **Zoning Permit 92-123**; construction of ten additional parking spaces for a total of sixteen for the existing medical office and residential unit. Existing curb cut to be eliminated, with joint use of adjacent property's (medical office / 94 Colchester Avenue) curb cut. Approved September 1991.
- **Zoning Permit CU92-011 / COA 92-025**; eliminate curb cut and driveway from #80 and utilize widened drive at traffic light at #94. Remove existing garage, change configuration and size of paved parking area. No change to use of #80 as office and apartment. Approved with conditions September 1991.
- **Request for Conditional Use Permit** to construct a private parking lot. July 1990. Application withdrawn by applicant.
- Notice of appeal to the Zoning Board of Adjustment seeking a special exception to erect a 16' x 16' addition to the northeast corner of existing doctor's office. Approved July 1968.

#### **94 Colchester Avenue**

- **Sketch Plan Review 16-0746SP**; Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)
- **Sketch Plan Review ZP16-0393SP**, Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **Sketch Plan Review 15-0896SP**, construct 79 apartment units in 3 story building with underground and above-ground parking facilities, April 2015.
- **Non-Applicability of Zoning Permit Requirements 07-703NA**; replace asphalt shingle roof with same. May 2007.
- **Zoning Permit 92-025**; site changes for combined access with #80. See above. Approved September 1991.
- **Zoning Permit 91-154**; remove two windows and one door from north elevation and install three windows on same side. No change in use. See 89-012. October 1990.
- **Zoning Permit 89-042 / COA 89-012?** (Illegible); replace existing vestibule, new siding and windows, new walkways and landscaping. February 1989.
- **Zoning Permit 780073**; erect an 18' x 30 addition in rear of existing building. June 1977.
- **Zoning Permit**; desire to rent portion of premises for doctor's office. Approved May 1963.

#### **27 Fletcher Place**

- **Sketch Plan Review 16-0746SP**; Sketch Plan review for proposed three story, two building multi-residential building complex with associated parking. December 2015. (Design Advisory review.)
- **Sketch Plan Review ZP16-0393SP**, Construct 79 apartment units in 3 story building with underground and above-ground parking facilities. November 2015.
- **Sketch Plan Review 15-0896SP**, construct 79 apartment units in 3 story building with underground and above-ground parking facilities, April 2015.
- **Non-Applicability of Zoning Permit Requirements 15-0959NA**; Install dryer hookups on 2nd floor. Upgrade wiring to meet code. Upgrade plumbing to meet code. April, 2015.
- **Zoning Permit 15-0955CA**; Change of use from single family residential to duplex, modify two existing windows, and create new parking spaces. Approved June 2015; under appeal with VSCED.
- **Zoning Permit 81-684**; replace 26" x 26" double hung window with Anderson window 24" x 48". September 1981.
- **Notice of Appeal to Zoning Board of Adjustment**; erect a carport within three feet of the property line. Approved December 1968.

**49 Fletcher Place** is included to illustrate that the project would include a potential boundary line adjustment; reserving a single family home on a 15,000 sf. lot. The remainder of the parcel would be absorbed into the PUD.

**Overview:** Contiguous property owners propose a collective development of seven (whole or in part) lots, allowing for utilization of large rear/interior area for new housing. Earlier narratives suggest that 66 and 96 Colchester Avenue are *not* part of the PUD, but will have easements allowing circulation/parking. The Master Plan submitted with the sketch plan application appears to *include* those parcels as part of the PUD, particularly as they relate to circulation and parking within the interior of the development site. They will be required to meet setback compliance as required along the periphery.

The combined parcel size is 3.62 acres without 66 and 96 Colchester Avenue (4.26 acres with those 2 parcels), fronting on both Fletcher Place and Colchester Avenue. A single (connected) three story building with 79 residential units is proposed, with both surface and underground parking. All existing, street-facing structures are proposed to be retained. Access for the interior of the site is intended to be organized at the traffic signal at UVM Medical Center, with another access drive further west at an existing driveway between 66 and 72 Colchester Avenue. The site plan is not clear if that is limited to ingress only. Vehicular circulation is proposed to be enhanced, allowing shared use of internal roadways/parking and access for all existing and proposes uses to the traffic signal onto Colchester Avenue.

As there are existing structures on each of these lots, the project will be reviewed as a Planned Unit Development.

**Applicable Regulations:**

Article 3 (Applications, Permit and Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), Article 10 (Subdivision), and Article 11 (Planned Unit Development)

## **Article 3: Applications and Reviews**

### **Section 3.2.1 (c) Sketch Plan Review**

*Upon request of the applicant, or as may be required under Article 10 – Subdivision or Article 11 – Planned Development of this ordinance, A Sketch Plan Review may be scheduled before the DRB prior to the submission of an application in order to provide the applicant with constructive suggestions regarding a conceptual development proposal. In order to accomplish these objectives, the applicant shall provide the following:*

- 1. A brief narrative and preliminary concept showing the locations and dimensions of principal and accessory structures, parking areas, and other planned features and anticipated changes in the existing topography and natural features.*

A project area site plan has been provided, including parcels and property boundaries. An estimated set-back line is included. A site plan with more clearly identifiable boundary lines (with a key) has been requested to assist in understanding the project area.

- 2. A sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features within 200 feet.*

See above.

- 3. A topographic or contour map of adequate scale and detail to show site topography and the relationship to adjoining properties.*

Contours are noted on preliminary plans across the development site.

- 4. Payment of the applicable Sketch Plan Review fee.*

The Sketch Plan Review fee for one board review was paid.

## **Part 3: Impact Fees**

### **Article 3.3.2 Applicability**

*Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.*

The applicant will be required to provide the gross new area to staff for a calculation of appropriate Impact Fees.

### **Section 3.3.7 Time and Place of Payment**

*(a) New Buildings: Impact fees must be paid at least seven (7) days prior to occupancy of a new building or any portion thereof.*

As noted.

## **Part 5, Conditional Use & Major Impact Review:**

### **Section 3.5.6 Review Criteria**

**(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 would be served by municipal water and sewer. This project will need scheduling for the Technical Review Committee to determine any concerns posed by the proposed intensity of use, traffic demand and infrastructure limitation. Wastewater and service capacity is available, but anticipated demand is not yet known. A state wastewater permit will also be needed prior to construction. Impact Fees will be assessed for impacts to public services, which will address newly introduced demand.

*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 project is proposed within the Institutional zone, where greater scale and intensity of use can be considered; however respect for historic residential buildings and sensitive transitions are required. The character of the area is divided by Colchester Avenue: To the north are existing residential scale buildings; many of those converted to medical offices.

66 Colchester Avenue was permitted as a dental office in 1961, yet retains its historic residential character and massing. 72 Colchester Avenue received an exemption from housing replacement in 1997 when it was a single family house. No change-of-use permit is within the zoning record. If the use will change (duplex suggested within submitted narrative of 10.27.2015), that should be reflected in the PUD application.) 80 Colchester Avenue is home to Hillel; both structures reflect the residential character associated with historic Colchester Avenue. 94 Colchester Avenue is a medical office, however residential in appearance and scale. Fletcher Place is entirely residential, with 7 single family homes, and 2 triplex residences (7-11 and 19 Fletcher Place.) 27 Fletcher Place has been approved as a duplex, however that decision is currently under appeal to Vermont Superior Court Environmental Division. The use at 50 Fletcher Place is unknown as it is owned by UVM, however conveys the character is of a single family Colonial style home.

As most of the structures on the north side of Colchester Avenue / west side of Fletcher Place are residential, additional residential development would be in keeping with the current use of the area.

Architectural elevations have been updated for this sketch plan review Three stories is generally greater in size that existing buildings within the project area.

*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;*

An increase in the number of residential units will have a concomitant increase in noise associated with domestic use. The traffic circulation will be formalized; however several of these parcels already have significant parking areas associated with their medical practices. Odor, dust, heat and vibration are not anticipated as associated impacts, if traffic and rubbish removal are analyzed, planned for and incorporated into the PUD.

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 new development proposes to utilize the traffic signal that currently serves UVM Medical Center; organizing the traffic circulation for all uses within the PUD to the traffic light. The site plan does not assure that egress is also available next to 66 Colchester Avenue; the applicant will need to define. Access will also be available east of the medical office at 96 Colchester Avenue. If the project advances, a traffic analysis will be required for preliminary plat review. That analysis must include existing and proposed trip generation figures and examine likely impacts on the UVM Medical Center intersection, where the weight of traffic is anticipated. The proposal, within the Institutional zoning district, is anticipated in its proximity to local medical and institutional facilities positive opportunities for pedestrian and bicycle transportation options. If a parking waiver is sought, a parking management plan should include those strategies that will demonstrate adequacy of meeting the demand of the new residential units.

*And*

5. *The utilization of renewable energy resources;*

Building plans suggest the inclusion of a significant solar array on a flat rooftop of Building 1.

*And*

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

It is premature to determine if there is full compliance with all applicable bylaws at this time in review. When more information has been provided, an assessment can be better accomplished.

#### **(b) Major Impact Review Standards**

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

No stormwater management details have been provided. A comprehensive stormwater management plan will be required with preliminary plat application. Review by the Conservation Board and the Stormwater Administrator will be required.

As the proposed use (aside from the existing Colchester Avenue medical offices and the Hillel use) is exclusively residential, no undue air or noise pollution is anticipated.

2. *Have sufficient water available for its needs;*

Written assurance from the city water engineers of adequate water and sewer capacity will be a requirement during application review.

3. *Not unreasonably burden the city's present or future water supply or distribution system;*

An assessment of city water engineers will be critical to understanding demand and capacity. See Section 3.5.6 (a) 4.

*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;*

An erosion prevention and sediment control plan in compliance with Chapter 26, Wastewater, Stormwater, & Pollution Control will be required with preliminary plat application. It will be subject to review and approval by the Stormwater Administrator.

*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 Section 3.5.6 (a) 4.

*6. Not cause an unreasonable burden on the city's ability to provide educational services;*  
The specific unit sizes and anticipated bedroom count have not been provided with this sketch plan review; however an earlier submitted floor plan suggests one bedroom and studio units intended to serve a professional population associated with area institutions. These limited size units are less likely to have school age children; higher bedroom count increases the possibility. Unit types and bedroom counts must be specified with preliminary plat application. In any event, Impact fees will be required to help offset impacts to the school system.

*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, the extent of those impacts cannot be determined at sketch plan review. Technical Review will be recommended so that all departments will have an early opportunity to view plans and discern potential impacts to their areas.

*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 Section 5.4.8, 6.2.2. and 6.2.3.

*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 project seeks to utilize open space on the interior of multiple lots. There will be increased demands on city infrastructure; however the location is advantageous in its proximity to area institutions, travel ways, and the downtown. Further analysis can be made upon application submittal, however early involvement with other city departments will identify and allow for consultation on specific infrastructure demands.

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

It may be premature to identify specific areas of conformance with the MDP, but the following may be relevant:

- *Support the development of additional housing opportunities within the city, with concentrations of higher-density housing within neighborhood activity centers, the downtown and institutional core campuses. (MDP, Housing Plan, Page IX-1.)* Technically, the project site is within the Institutional zone, not core campus, however.

- *Provide a range of housing types that meet the needs and interests of the student population. These should include apartments that give students an opportunity to get away from the typical dormitory living situation. (MDP, Housing Plan, Page IX-11.)*
- *Addressing Parking and Circulation. Every effort should be made to provide parking either underground or within a structure to minimize the amount of land dedicated to surface parking. Additionally, traffic circulation patterns within residential neighborhoods and through the University campus must be evaluated to minimize through traffic off campus, and the need to use cars all together. (MDP, Housing Plan, Page IX-11.)*
- *Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning. Identify buildable sites for eventual housing construction/conversion. (MDP, Housing Plan, Page IX-12.)*

However, some areas of discussion remain:

- *Require that all city buildings, facilities, and infrastructure adhere to a high standard of urban design, public accessibility, and energy efficiency. (MDP, Community Facilities and Services Plan, Page VII-2.)* Revised building elevations depict large elongated three story box-like buildings that minimally differentiate wall planes. Building mass is broken up by cursory pavilion extrusions or changes to metal sheathing.  
Any new development will be required to meet energy efficiency standards as defined by Burlington Electric Department and accessibility requirements as determined by the building inspector.
- *Embark(ing) on a greening program to replace unnecessary pavement with landscaping; encourage a diversity of open spaces accessible to each neighborhood including pocket parks and community gardens; the promotion of rooftop and wildflower gardens, and a network of paths and wildlife travel corridors. (MDP, Land Use Plan, Page I-25.)* The proposed plan presents large areas of surface paving, with abbreviated natural area for resident use.
- *The challenge presented by the **Legacy Project Action Plan** will be to define the amount of future growth that is possible and desirable, and develop effective strategies to encourage future growth while retaining the scale and character of the city. (MDP, Land Use Plan, Page I-9.)*

*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 proposal is infill in undeveloped rear yards of existing adjoining neighborhoods. The proposed new residential units will moderately contribute to the city's housing stock. The type and affordability of the units are not definitively known at Sketch Plan. The location is probably the most desirable feature; in close proximity to area institutions: UVM Medical Center, the university, and downtown.

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

Modest impacts on the city's park and recreation needs are anticipated. Payment of impact fees will help offset such impacts. The project would be enhanced with on-site gardens or similar amenities for use of the immediate residents.

**(c) Conditions of Approval for Conditional Use applications**

*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;*

When plans are further developed, the need for screening or landscaping will become more apparent.

*2. Time limits for construction.*

Zoning permits are valid for two years; if development is likely to extend beyond that time frame, a phasing schedule is recommended to allow for occupancy of part of the building as the project continues.

The specific hours of construction are typically limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. The DRB has the discretion to alter those hours based on the demands of the project and the context of the development area.

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

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

As a PUD and a Major Impact/Conditional Use, this is a statutory requirement.

*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.*

Any such performance standards will be informed by more fully developed project plans, and at the discretion of the DRB.

**Article 4: Maps & Districts**

*(a) Purpose: The Institutional District allows for an increased development scale and intensity than would typically be found in the adjacent residential districts to support continued growth and flexibility of the city's major educational and health care institutions within their respective institutional missions. New development is intended to be sensitive to the historic development pattern of the existing campuses as well as the surrounding residential neighborhoods.*

*The district is intended to support a broad range of related uses reflecting the resident institutions role as regional educational, health care, cultural and research centers. Buildings should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sensitive transitions between adjacent lower scale residential areas and larger scale institutional development should be provided. Sites should be designed to be pedestrian friendly and encourage walking*

between buildings. Where parking is provided onsite, it is intended to be hidden behind, to the side, within, or underneath structures.

**Table 4.4.4-1 Dimensional Standards and Density** (based on site plan submitted via email 10/26/2015)

Institutional District	Max. Intensity 20 du/acre 24 du/acre with IZ	Max. Lot Coverage 40% 48% with IZ	Building setbacks			Max. Height 35'
			Front <sup>2</sup> Minimum 15'	Side <sup>3</sup> 10% of lot width, Min. 5', Max 20'.	Rear 25% lot depth, min. 20', max 75'	
Proposed development	8 existing / equivalent units + 78 new = 86. 86/3.62 acres = 23.75, less than the 24 unit limitation.. <b>(This assumes 66 and 96 Colchester are not included in the PUD. Area number would be different if included (4.62 acres) and would allow for greater number of units.)</b>	32.7% proposed. The applicant has confirmed that this includes the area to be annexed from 49 Fletcher Place. The submitted lot size is the same as submitted with the 15-0896SP review, one which did not incorporate the 49 Fletcher as part of the PUD narrative. Confirmation is needed.	No change to Colchester Avenue or Fletcher Place.	<b>See comments below.</b>	An argument can be made that there are only 2 frontages (Colchester Avenue and Fletcher Place); all other property boundaries would be side yards.	Height has not been defined, but is limited to 35'.

66 Colchester Avenue is suggested as part of the PUD on the Master Plan site map; however the narrative of 10.28.2015 indicates the association with the development will be limited to “cross easements”. If 66 and 96 Colchester Avenue are developed as part of this plan, they must be included within the PUD assembly. They appear essential to circulation paths, parking and egress. Setbacks, coverage, and intensity calculations must comply for all involved parcels. The applicant has been notified, and expressed willingness to re-examine area, intensity, parking and setbacks under the above provisions inclusive of all involved parcels.

Several parcels have been proposed to remain as individual lots within the PUD: 66 Colchester, 94 and 96 Colchester Avenue. 72 and 80 Colchester Avenue will be merged with 27 Fletcher Place and the rear portion of a 49 Fletcher Place, after a boundary line adjustment for the latter. Reciprocal easement arrangements for parking and access will be effected. The revised site plan of 3.3.2016 continues to “exclude” 66 and 96 Colchester Avenue by bold outline and inclusion of setback lines from those parcels; but these two properties are inherently participatory in the development with circulation paths and parking proposed on both. As noted, they must be included as part of the overall PUD plan, with application from each participating property owner on final application.

As there is no key to understand the demarcations on the submitted site plan, more clear information and an annotation key for the site plan has been requested.

The merger of 72 and 80 Colchester Avenue will have a minimal effect on setbacks; 72 Colchester Avenue has a lot line of 0; that will remain and therefore not increase the non-conformity. The merged lots will require a setback 10% of the lot width (now measured across 72 and 80 together.) This does not appear problematic, as the access road is on the east of 80 Colchester Avenue. The originally submitted site plan did not illustrate property lines, which has

made understanding setbacks difficult especially when some lots are proposed to be merged for purposes of the PUD, others not.

As 66, 94 and 96 Colchester Avenue will remain separate lots, their side yard setbacks remain as existing and will only be analyzed for setback compliance along the periphery of the project which is the ultimate focal consideration for a PUD.

Internal setbacks are not considered, as only setbacks around the periphery of the PUD are scrutinized.

**Review of a full size plan will be essential for ease of reading boundary lines, measurements and calculations for required side yard setbacks.**

#### **Section 4.4.4 (c) Permitted and Conditional Uses**

Attached dwellings, multi-family are a conditional use in the Institutional Zone, per Appendix A.

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

#### **Section 5.2.3 Lot Coverage Requirements**

See Table 4.4.4-1, above. A breakdown of the coverage (for an accurately defined area) will be required.

#### **Section 5.2.4 Buildable Area Calculation**

Although the combined parcels exceed the 2 acres threshold, they are within the Institutional Zone which is not subject to this criterion.

#### **Section 5.2.5 Setbacks**

See Table 4.4.4-1, above.

#### **Section 5.2.6 Building Height Limits**

Height is limited to 35', except under provisions of Section 5.2.6 (b).

#### **Section 5.2.7. Density and Intensity of Development Calculations**

See Table 4.4.4-1, above. The unit count cannot be rounded up under provisions for calculating density. The new number of units has been adjusted to 78, with an equivalency of 8 units in existing structures for a total of 86. The applicant should provide a breakdown of existing area to confirm the equivalency calculation. This meets the limitation for intensity of use including IZ. See Table 4.4.4-1, above.) As previously noted, the total area calculation has up to now excluded 66 and 96 Colchester Avenue and a portion of 49 Fletcher Place. This will significantly affect the allowable density for development. The applicant will need to adjust all figures for an accurate assessment of allowable density.

### **Part 3: Non-Conformities**

#### **Section 5.3.5 Nonconforming Structures**

##### **(a) Changes and modifications:**

*Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:*

- 1. Such change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.*

*2. Such change or modification shall not create any new nonconformity,*

The merger of lots fronting Colchester Avenue (72, and 80) will create a larger lot width, increasing the required side yard setback. 72 Colchester Avenue currently extends over the property boundary and will remain so. There is no change to that existing non-conformity. The side yard setback on the easterly boundary of 80 Colchester Avenue will become 10% of the (new) lot width at that location. Existing property boundaries have not been defined there; however it appears possible that the 10% setback could be achieved in that vehicular access area. Other, independent lots (66, 94 and 96 Colchester Avenue will have no implications for setbacks, as they are existing and the lots are within the PUD. A small sliver of 27 Fletcher Place connects to Colchester Avenue next to 96, and that will retain its existing setback. It appears that the PUD as illustrated will not create any new non-conformity relative to setbacks and therefore in conformance with this standard.

#### **Section 5.4.8 Historic Buildings and Sites**

72, 80, and 94 Colchester Avenue, as well as 27 Fletcher Place are all listed on the Vermont State Register of Historic Resources. As the development is proposed for the interior of these combined parcels, the most significant concern may be that of compatibility, particularly in regard to massing and proportion.

*(b) Standards and Guidelines:*

*1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

Each of these resources was constructed as a residential dwelling. The addition of new housing, in the rear of these combined parcels, will not alter the historic or current use of each structure.

*2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

No alterations to the structures have been shared relative to 72, 80, 94 or 96 Colchester Avenue; 27 or 49 Fletcher Place. The roadway that is proposed to be the principle entrance to the development between 80 and 94 Colchester Avenue is currently an access to a parking area. Similarly, the driveway that separates 66 and 72 Colchester Avenue currently exists, but logically may experience a much greater intensity of use with this plan. The most significant change will be the introduction of a large extended residential structure in the rear of the assembled lots. The structure will occupy most of the open space behind these older structures, and introduce a building likely to be of a larger scale and mass than is in evidence on either the north side of Colchester Avenue or Fletcher Place.

*3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

There is no proposal for conjectural features on any of the subject properties.

*4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

For Sketch Plan, there has been no inclusion of alteration to the existing historic properties.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

No changes to features or finishes are proposed.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

No replacement of historic features is proposed.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No chemical or physical treatments are proposed for the historic buildings.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

As noted.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

Spatial relationships will be altered in that these included properties will no longer have the spacious rear yards they now enjoy. As an example of modern infill, the project provides an opportunity to examine what type of new construction may be attractive, functional, and compatible with the existing residential buildings. Other historic examples of residential development off Colchester Avenue would be Nash Place, Thibault Parkway, and even Fletcher Place itself.

A growing city commonly utilized open area tangent to existing development frequently along a major thoroughfare to expand residential opportunities; but each successively created a nucleus neighborhood that was independent of, but related to neighboring development. This proposal seeks to introduce a residential nucleus within a collection of existing buildings.

Revised building elevations define a housing model in stark contrast in proportion, massing (3 stories), and scale with its neighbors. Rather than discrete divisions between smaller residential structures that collectively would create a hamlet, this plan reaches to maximize the buildout potential in a connected multi-story building. Materials, design and surface treatment are suggested on submitted elevations. The proposed access at the traffic signal will enter into a circulation system that accessing surface parking and (by turning left) entry into one of two

below-grade parking structures. Although the actual appearance from the public streets may not be discerned until modeling studies are done, the scale, character, and proportion will need analysis to determine compatibility with its abutting neighbors. Only then will it be possible to examine this criterion of sensitive and compatible infill.

*10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

It would be possible to consider the removal of a single large detached structure, so the project might be reversible.

### **Section 5.5.1 Nuisance Regulations**

Nothing in the proposal appears to constitute a nuisance under this criterion. Lighting, however, will need to be examined for appropriateness and consistency with the standards of this ordinance.

### **Section 5.5.2 Outdoor Lighting**

No information has been provided for lighting. Submission materials at the time of application must include a photometric for the entire site, fixture information with lumens and mounting height information. The most recent site plan suggests light poles on or near property lines; a situation which may cause light spill onto abutting parcels and would therefore be unacceptable.

### **Section 5.5.3 Stormwater and Erosion Control**

A stormwater management plan, and Erosion Prevention and Sediment Control Plan will be required for site development and must be approved in writing by the City Stormwater staff. Additionally, conditions will require compliance post construction with each approved plan prior to issuance of any Certificate of Occupancy.

## **Article 6: Development Review Standards**

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

#### **Section 6.1.2 Review Standards**

Three discrete parcels are proposed to be merged together (72 and 80 Colchester Avenue; 27 Fletcher Place.) Four others will remain individual parcels (66, 94 and 96 Colchester Avenue; 49 Fletcher Place.) 49 Fletcher Place will require a boundary line adjustment to annex the easterly land to this plan. A boundary line adjustment will be required simultaneous with the PUD application.

Plans must show exact boundary lines. A boundary survey by a VT licensed land surveyor (required for the lot line adjustment at 49 Fletcher Place) must be provided at final review. Conditions relative to filing the boundary line mylar in the land records will apply.

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

#### **Section 6.2.2 Review Standards**

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

There is a significant ravine to the north of the site, which the project development avoids. The proposal intends to incorporate grade changes to facilitate underground parking for the new residential building.

*(b) Topographical alterations*

Any specific methods to alter the terrain to accommodate the plan will need to be disclosed.

*(c) Protection of important public views*

There are no important public views from or through the property.

*(d) Protection of important cultural resources*

See Section 5.4.8 (b).

*(e) Supporting the use of alternative energy*

Revised building elevations suggest an expanse of rooftop solar on Building 1, a flat roofed building. This is encouraged.

*(f) Brownfield sites*

The properties are not listed on the Vermont DEC Hazardous Waste Site.

*(g) Provide for nature's events*

A Stormwater Management plan, approved by the City Stormwater team will be required. Details for the proposed stormwater management system will be required prior to final plat approval.

A comprehensive erosion prevention and sediment control plan will be required at the time of application. As with the stormwater management, final details will be required prior to final plat approval.

Snow storage is proposed on the northerly end of the driveway that runs west of building 2. This plan should be included on the Stormwater Management plan so it can be thoroughly reviewed by the City Stormwater administrator for any concern.

*(h) Building location and orientation*

The visible public streetscape along Colchester Avenue is an important component; however, equally important is the establishment of a well-defined built environment, functional open spaces, and interconnectivity between the new dwellings and the existing streetscape/sidewalks that connect physically and visually to Colchester Avenue and on a lesser note, Fletcher Place. The site plan has been redesigned to create and orient a primary façade (Building 1) to front Colchester Avenue. A pedestrian way and crosswalk to Colchester Avenue are illustrated on the plan. The proposed circular drive will provide visual access to both buildings, however as it is lined with parking spaces, there is no clearly identified drop-off location other than the south elevation of Building 1.

Open space or common land is required as part of Article 11.

The CDO and Municipal Development Plan articulate a vision for vibrant city neighborhoods with a fabric of cohesive streetscapes and call for new neighborhoods to reflect this vision. The proposed development ambitiously attempts to increase residential density through utilization of undeveloped rear yards. Redesign has the potential to effectively introduce a significant number

of new residential units in a manner that is respectful of the existing pattern of development and streetscape. Whether this extended three story structure meets that bar is the test.

*(i) Vehicular access*

Access to this inner site is proposed directly across from the UVM Medical Center, intending to utilize the existing traffic light. That access will allow use of existing interior parking (and current casual interconnections) behind 66, 72, 80, 94 and 96 Colchester Avenue. The secondary avenue next to 66 Colchester Avenue is a direct path to the underground parking proposed for Building 1 and 2. The revised site plan suggests it may be ingress only (which may be ill advised if it introduces more traffic conflict on Colchester Avenue.) The principal entry at the traffic light would also offer the opportunity to turn “left” in front of the proposed Building 1; and then turn right onto the entry access to the underground garage.

The existing access drive east of 96 Colchester Avenue is proposed to be retained and connected to the inner grid as well as specific parking spaces for the existing medical office. This drive is recommended to be ingress only.

*(j) Pedestrian access*

Sidewalks connect directly to those on Colchester Avenue, and continue along the easterly side of Building 1, connecting to Building 2. A “promenade” type pedestrian path provides a focal entry to Building 1 from Colchester Avenue; something recommended in earlier sketch plan review.

There is no identified pedestrian path from parking areas behind 94 and 96 Colchester Avenue to the residential building, which would require folks to walk across a significant vehicular circulation path unprotected. A pedestrian connection separating people and cars should be incorporated.

*(k) Accessibility for the handicapped*

The project will have to meet ADA standards, as directed by the building inspector. An elevator is proposed to serve the entire building. H/C parking will be required, with identification, signage and access area. This will need to be more fully developed at the time of review.

*(l) Parking and circulation*

Parking is proposed under both Building 1 and 2 and on surface parking. The applicant will be obliged to meet the parking requirements of Table 8.1.8-1 of the CDO. The parking requirement for multi-unit attached dwellings in the Shared Use Parking District is 1/unit.

Circulation is proposed via an access drive at the traffic light on Colchester Avenue; proceeding through a choice of paths. Turning right will afford access to a circular loop double-lined with 49 surface parking spaces. A second access west of 72 Colchester Avenue will allow access to another 17 surface parking spaces and entrance to two subsurface parking areas. The far easterly access (next to 96 Colchester Avenue) will first admit access to 6 surface parking spaces intended for the medical office, and lead to the circular loop. As circulation paths and parking cross property boundaries, the applicant must effect easement or other instrument to allow use of abutting parcels to provide the suggested access and circulation. This will be critical for the 96 Colchester Avenue parcel, as the parking and circulation lanes rely on that lot.

The proposed vehicular circulation plans will be dependent on informative signage to direct drivers to correct paths. Overall, there is a large amount of pavement and surface parking

proposed, although it is behind the existing buildings on Colchester Avenue. Unfortunately building 1 will be surrounded on three sides by pavement.

It is noted that if 96 Colchester Avenue is *not* among the assemblage of parcels within the PUD, the main access drive/parking plan does not work as a significant portion of it is proposed for that parcel.

Surface parking requires shading to reduce the effect on the local microclimate, air quality, and stormwater runoff. At least 30% of the parking lot must be shaded. 1 shade tree shall be provided for every 5 parking spaces with a minimum caliper size of 2 ½ -3” at planting. For the circular loop, 10 trees will be required; for the parking next to 96 Colchester Avenue one new tree is needed; and for the parking behind 66 Colchester Avenue, 3 trees are required. The applicant is invited to review this standard for specific requirements or specimen choice, size at maturity, and requirement for arborist review.

If exterior bicycle parking is provided, clearly marked signs indicating their location (with access along vehicular driveways or paths) shall be provided. Bicycle parking must be linked to pedestrian routes to a building entrance. Bike parking must conform to applicable design and construction details as provided by the City of Burlington Bicycle Parking Guidelines: [https://www.burlingtonvt.gov/uploadedFiles/BurlingtonVTgov/Departments/Public\\_Works/Transportation\\_Policy\\_and\\_Planning/Bicycling\\_and\\_Walking/Bicycle%20Parking%20Guidelines.pdf](https://www.burlingtonvt.gov/uploadedFiles/BurlingtonVTgov/Departments/Public_Works/Transportation_Policy_and_Planning/Bicycling_and_Walking/Bicycle%20Parking%20Guidelines.pdf)

*(m) Landscaping and fences*

There is not enough information available at Sketch Plan to evaluate landscaping. A full landscaping plan will be required at the time of formal application.

*(n) Public plazas and open space*

While there are no formal public plazas included in the plan, it is appropriate to evaluate the availability of open space available for residents. North of the development site is unreceptive for open space amenities due to the challenging topography. An open area behind 27 Fletcher Place is proposed to be utilized for a community garden. Area for picnic tables, clothes lines, or play areas dedicated to the enjoyment of the residents is further encouraged. Further exploration of similar opportunities is encouraged and will in fact be required, per Article 11.

The main pedestrian entry between 72 and 80 Colchester Avenue will provide an informal plaza for the residential community enjoyment.

*(o) Outdoor lighting*

See Section 5.5.2.

*(p) Integrate infrastructure into the design*

On-site utilities will need to be undergrounded. Meters, utility connections, HVAC or similar mechanical equipment should be coordinated with the design of the building, and grouped in a service court out of public view. All need to be illustrated on elevations and/or site plans to determine appropriateness of location and necessity of screening.

As has been frequently mentioned, it would be preferable to integrate trash and recycling operations within the building rather than as a stand-alone. The location of recycling facilities will need to be identified as well. As proposed, a dumpster is illustrated on the westerly side of the site at an angle that would be challenging for trash haulers to reasonably access. A plan that

reasonably and effectively meets the waste and recycling demands of the proposed 78 new residential units while providing a common sense accessible path for trash haulers needs to be developed.

Any dumpster will be required to be enclosed on all four sides to prevent blowing trash; and must be screened from public view. Such enclosure, (if the trash is not relocated to the interior of the building) must have a defined plan at the time of submittal.

### **Part 3, Architectural Design Standards**

#### **Section 6.3.2 Review Standards**

##### **(a) Relate development to its environment:**

##### ***1. Massing, Height and Scale:***

The massing and scale of the proposed new residential building is starkly in contrast to the residential scaled buildings that surround it. Most buildings are 1 ½-2 stories (96 Colchester Avenue larger with the addition of rooftop dormers); however in scale and height, the new connected buildings are substantially larger than its neighbors.

##### ***2. Roofs and Rooflines.***

Flat roofs are proposed; within the context of the immediate area (north side of Colchester Avenue, west side of Fletcher Place) most buildings have gable, bonnet, hipped or compound roofs with dormers. The exception may be Mater Christi School, west of this parcel, which is flat-roofed.

Porches typically have shed or modified hip roofs. Flat roofs are not commonplace on the residential buildings north of Colchester Avenue or west side of Fletcher Place.

##### ***3. Building Openings***

Windows on Building 1 are rhythmically placed and grouped in columns across three stories. In fenestration is resembles institutional (1930s school) use. Building 2 has more expansive arrangement of windows, with larger, triple ganged organized in columns under a parapet; single windows otherwise. The front entrance to Building 1 is underwhelming for its principal importance and streetfront presence. The glassy easterly entrance to Building 2 is more inspired in its overall presence, but its access into a meeting room (if accurate to floor plans submitted with ZP16-0749SP) is awkward. An entrance is also present on the easterly side of the connector between the two building volumes; one that is more likely to be used by tenants walking from their cars.

Oddly there are limited windows for the 2<sup>nd</sup> and 3<sup>rd</sup> floors on the north elevation of Building 1. As these are likely to provide additional passive lighting/solar for the units more windows are strongly encouraged.

**(b) Protection of Important Architectural Resources:**

*Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.*

See Section 5.4.8.

**(b) Protection of Important Public Views:**

There are no protected important public views from this site.

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

The core of the development is behind existing structures. The most visible street presence will be the main entry facing Colchester Avenue. While several iterations have been presented, none as yet have provided the clear, important principal entrance as the location merits.

**(e) Quality of materials:**

*All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.*

Building materials have not as yet been specifically defined; elevation drawings suggest a mixture of metal sheathing materials. Greater detail is expected at the time of application.

It would be preferable to eliminate the treescape layer on modeled building images so the detail of the elevations is more easily understood. (Plan A901)

**(f) Reduce energy utilization:**

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. Representatives of BED habitually attend Technical Review meetings and can provide guidance and incentives to the applicant team.

**(g) Make advertising features complementary to the site:**

No signage is proposed. Any signs will require a separate sign permit.

**(h) Integrate infrastructure into the building design:**

See Section 6.2.2. (p.)

**(i) Make spaces secure and safe:**

All applicable building and life safety code as defined by the building inspector and fire marshal will be required. Technical Review will help define specific requirements relative to the needs of emergency vehicles and fire suppression. Building entrances need to be adequately illuminated. An intercom system is recommended to maximize personal safety of the residents.

**Article 8: Parking**

**Section 8.1.8 Minimum Off-Street Parking Requirements**

The applicant needs to clearly define the properties and the existing uses that are being included in the overall plan so an accurate parking requirement can be made.

The last approved site plan for 66 Colchester Avenue (1988) featured a paved parking area with 6 spaces. As portrayed, there is a significant expansion in parking behind that structure, which will need to be brought into the PUD to formalize the arrangement, or otherwise brought into compliance.

In the Shared Use Parking District, 1 parking space is required for each dwelling unit. For 78 new residential units, 78 parking spaces will be required in addition to the current demand by existing use.

A full calculation of available parking will be required (interior and surface) as well as a list of existing uses on all parcels so the parking requirement for existing and proposed uses can be deduced.

**Section 8.2.5 Bicycle Parking Requirements**

Table 8.2.5-1 defines the bicycle parking requirement as 1 per 4 units for long term storage, and 1 per 10 units for short term. For 78 new residential units, bicycle parking requirements would be 20 long term spaces, and 8 short term. These numbers may fluctuate depending upon the number of units. Bicycle parking meeting these requirements shall be illustrated on submitted site plan/floor plans, as appropriate. As previously noted, exterior bicycle parking should be linked to pedestrian paths that connect to the buildings and public sidewalks. Interior long term bicycle storage is encouraged for the proposed residential units.

**Article 9: Inclusionary and Replacement Housing**

**Section 9.1.5 Applicability** (As amended by the City Council 8/10/2015.)

As the proposed development includes more than 5 new dwelling units, it is subject to the inclusionary housing provisions of this Article. Fifteen percent of the total unit count must be inclusionary (Per Section 9.1.10, 15% of 78 is **12** dwelling units). The project would not meet the exemption from Inclusionary Housing within the Institutional Zone, as the proposed units are not being developed by an educational institution.

Approval for the adequacy of the inclusionary units will be required from the manager of the city's Housing Trust Fund. Any stipulations would be included as a condition of approval.

**Section 9.1.12 Additional Density and Other Development Allowances**

As a covered project, it will be entitled to increases in the development allowances of the underlying zoning district. As per Table 4.4.4-1, Maximum intensity increases from 20 dwelling units/acre to 24; maximum coverage from 40% to 48%. The plans reflect those allowances,

however as calculated, the proposed intensity may not be greater than the land area allows. See Table 4.4.1, above. 86 total units (78 + 8 equivalent) calculate to 23.7 units per acre, under the allowable 24 units with IZ inclusion. For the method for calculating intensity of use, see Section 5.2.7 (a).

The total land area must be confirmed prior to acceptance of this calculation.

Other possible allowances for the provision of Inclusionary Units may include:

- (b) 1. A waiver of up to 50% waiver of parking spaces as outlined in Article 8, Section 8.1.14,
2. A waiver of a portion of the impact fees associated with the Inclusionary Units, pursuant to the Art. 3, Part 3 Impact Fee Administration Regulations.

The applicant is encouraged to confer with the Housing Trust Fund Manager to confirm the number of required IZ units, and any potential diminution of Impacts Fees.

All provisions of Section 9.1.8 through 9.1.11 (rental and sales, percentage of Inclusionary Units, and income eligibility) shall apply, without exception, to any inclusionary units that are constructed.

### **Section 9.1.13 Off-Site Option**

The applicant has not suggested any inclusionary units be located off site. If the applicant decides to seek an off-site option or to make a payment in lieu of constructing inclusionary units, the provisions of this section will apply.

### **Section 9.1.14 General Requirements for Inclusionary Units**

- (a) *In order to assure an adequate distribution of inclusionary units by household size, the bedroom mix of inclusionary units in any project shall be in the same ratio as the bedroom mix of the non-inclusionary units of the project.*

As noted. Additional provisions of Inclusionary standards, including gross floor area, interior amenities, marketing, and affordability will be required to meet the approval of the City's Housing Trust Manager.

### **Sec. 9.1.17 DRB Review of Proposal for Phasing**

If phasing of the project development is desired, the request shall be reviewed as a component of the initial project review and included in conditions of approval. A schedule setting forth the phasing of the required inclusionary units will need to be presented to the DRB for review and approval. If phasing is not included as part of the review process, no phasing of the inclusionary units shall be allowed.

### **Sec. 9.1.18 Timeline for Availability/Phasing of Inclusionary Units for Issuance of Certificate of Occupancy**

Inclusionary units shall be made available for occupancy on approximately the same schedule as a covered project's market units, except that certificates of occupancy for the last 10% of the market units will be withheld until certificates of occupancy have been issued for all inclusionary units. If the project is to be constructed in phases, certificates of occupancy may be issued on a phased basis consistent with the conditions of approval per Section 9.1.17.

## **Article 10: Subdivision**

### **Section 10.1.5 Lot Line Adjustments**

*The intent of this section is to provide for an abbreviated review and approval process for the realignment of lot boundary lines between existing adjacent lots, **including the merger of lots**, where no additional lots are being created.*

*A lot line adjustment shall not constitute a subdivision.*

A boundary line adjustment is proposed simultaneous to this review for 49 Fletcher Place, which will provide additional land to be annexed to the overall merged parcels of 72 and 80 Colchester Avenue and 27 Fletcher Place. Three parcels are proposed to be combined. A boundary survey done by a Vermont licensed surveyor must be completed for the boundary line adjustment. All requirements of Section 10.1.5 (a) shall be provided.

**(c) Lot Line Adjustment – Administrative Decision:**

*An application may be denied for good cause based upon substantial evidence including but not limited to:*

*B. Such cases where the proposed adjustment will result in the creation of a non-conforming parcel or non-conforming buildings or structures or yard areas or any non-conforming dimensional standard.*

The boundary line adjustment of 49 Fletcher Place will be required to leave a conforming lot fronting the public street. The remainder of the parcels collectively assessed as part of the PUD must meet periphery setbacks for the zoning district. Setbacks have been more easily met when existing parcels have not been merged (66, 94 and 96 Colchester remain discrete; the access strip from Colchester Avenue east of 96 Colchester remains a connection to 27 Fletcher Place.) If that access is already paved, it may be continued as a shared access drive and therefore does not require a setback. No new non-conformities relative to setbacks can be identified.

**Sec. 10.1.6 Sketch Plan Review**

*Whenever a subdivision is proposed that will create five (5) or more lots or dwelling units, the applicant shall submit sketch plans and data pursuant to Article 3, Section 3.2.1(c) Sketch Plan Review showing existing conditions within the site and its vicinity and the proposed layout and development of the subdivision prior to the preparation of any preliminary and/or final plats.*

The current Sketch Plan Review meets this standard. Additional plans will be required at the time of preliminary plat review (landscaping, elevations, utility, etc.).

**Section 10.1.18 Preliminary Plat Review**

*After sketch plan review if applicable, the applicant may submit an application for Preliminary Plat Review pursuant to requirements specified below and containing any additional information requested by the administrative officer after completion of the sketch plan review.*

Zoning amendments relative to subdivision review have largely separated PUDs from Article 10. As no lot will be subdivided as part of the PUD (49 Fletcher Place boundary line adjustment done separately) and no new lots will be created, no subdivision will occur. There will be no requirements for Preliminary and Final Plat review.

**Article 11: Planned Unit Development**

**Section 11.1.3 General Requirements and Applicability** (As adopted by City Council 8.10.2015.)

Any development involving **multiple lots, tracts or parcels of land to be developed as a single entity**, or seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.

A Planned Unit Development may be permitted subject to minimum project size as follows in the following districts:

*Institutional – no minimum project size.*

*Footnote: Subject to Conditional Use Review pursuant to Article 3, Part 5.*

This standard allows development of multiple lots with no minimum lot size for a PUD in the Institutional Zone. See Section 3.5.6 for Conditional Use Review standards.

#### **Section 11.1.4 Modification of Regulations**

*With the approval of the DRB after a public hearing, the following modifications the requirements of the underlying zoning may be altered within a planned unit development:*

- *Density, frontage, lot coverage and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis.*
- *Required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;*
- *More than one principal use and more than one principal structure may be permitted on a single lot, and*
- *Buildings may be of varied types including single detached, attached, duplex or apartment construction.*

*Any proposed modifications of regulations shall be listed in a statement accompanying the application submission and such modifications shall be subject to the provisions of Section 11.1.5 and Section 11.1.6.*

Calculations for lot area, intensity of use and setbacks have been provided for 72, 80 and 94 Colchester Avenue and 27 & 49 Fletcher Place. Parking has been calculated for the uses on those lots, in addition to the existing uses. Parking and circulation occur on 66 and 96 Colchester Avenue, which have so far been excluded from overall calculations. As previously noted, development on those parcels for essential function of the overall PUD will require their inclusion; therefore that area should be included as part of the overall development site.

#### **Section 11.1.5 Approval Requirements**

*(a) The minimum project size requirements of Section 11.1.3 shall be met;*

There is no minimum project size for a PUD within the Institutional Zone.

*(b) The minimum setbacks required for the district have been met at the periphery of the project;* See table 4.4.4-1, above. This will depend upon whether 66 and 96 Colchester are included within the PUD project area.

*(c) The project shall be subject to design review and site plan review of Article 3, Part 4 and the standards of Article 6.*

See Articles 3 and 6, above.

*(d) The project shall meet the requirements of Article 10 for subdivision review where applicable;*

See Article 10 above. This may be limited to the boundary line adjustment for 49 Fletcher Place.

*(e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project;*

Density calculations will need to be adjusted to reflect total area of all involved parcels, and meeting the directed method of calculating density per Section 5.2.7 (a). The entire development area will need to be confirmed to complete accurate coverage and density calculations. The total area of development will also influence coverage calculations, which may need to be amended from this submission.

*(f) All other requirements of the underlying zoning district have been met as calculated across the entire project;*

See Section 4.4.4, above.

*(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB*

A community garden for the residential units is illustrated on the easterly side of the lot; additional common land for the collective use of the intended residents has been suggested and is encouraged.

*(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.*

A phasing schedule has not been requested or suggested. Any proposed phasing plan will need to be approved by the DRB and included as part of decision and conditions.

*(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 concept of developing underutilized area behind existing structures is a traditional method of infill and intensification of use where encouraged through the Municipal Development Plan. How that occurs, and how it might appear to both street frontages and present itself to Colchester Avenue will determine the appropriateness of the design within the context proposed.

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

The proposed new structure can reasonably be assured to be served by extended access road(s) within the site and public utilities.

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

The natural area/open space to the north will be retained and visible from many of the proposed residences within the new development. The revised site plan has re-aligned the building mass to provide greater exposure for vistas to that natural area. Surface parking

within the site should not hinder the opportunity to meet the requirement for common area for the development, as required by Section 11.1.6 (g).

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

The applicant has suggested the likelihood of all new units as one bedroom or studio units, to satisfy demand for housing for professionals. This will need to be specifically articulated with bedroom count if the project advances.

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

The project area retains an existing amount of infrastructure, buildings and use that front Colchester Avenue and Fletcher Place. The ravine area to the north will be partially annexed as part of the PUD; appending the land area to allow for greater development and density within the buildable area of the collective parcels.

And;

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

As conceptually proposed, the building design proposes intensifying the density with construction of a single connected residential building. The context, massing and proportion of any new building should be sensitive to its neighbors and sympathetic to the character of the area. Customary residential appurtenances like porches, patios, breezeways, gardens, pergolas, play areas, or clotheslines are recommended for inclusion, as typical and welcome amenities for attractive residential complexes, particularly within established neighborhoods.

*(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 Section 11.1.6 below.*

### **Section 11.1.6 Accessory Facilities**

*(a) A planned unit development may contain a building or buildings intended for non-residential uses, such as but not limited to a community center, recreation facility, and child care center and/or business office if the DRB determines that such use or uses are compatible with the intended principle residential use.*

The applicant may explore the option to convert 94 Colchester Avenue to a business office associated with the management of the new residential units. Inclusion of any accessory facilities shall be defined at the time of application for preliminary plat.

*(b) A planned unit development may contain a building or buildings intended for use as a community convenience store if approved by the DRB under the following standards:*

- 1. A determination shall be made by the DRB that the community convenience store will not contribute to parking problems on site or in the surrounding area.*
- 2. The maximum size of the store is 1000 sq. ft.*

3. *Only one sign is permitted limited to the following:*
  - A. *The maximum size is 4 sq. Ft.*
  - B. *The sign shall be a parallel sign.*
  - C. *The sign shall not be illuminated.*
  - D. *No window signs, temporary or permanent shall be allowed.*
  - E. *No freestanding signs on the site or within the street ROW are allowed.*
4. *No outside storage or displays or vending machines, except for a telephone and a screened dumpster, is allowed.*
5. *There shall be no exterior service windows or exterior ATM's allowed.*
6. *There shall be no gas pumps allowed.*
7. *The building(s), sign and site for any such store shall be subject to the development review criteria under Article 6.*
8. *Parking shall be in back or at the side of the community convenience store building with the building oriented for pedestrian access.*

The applicant has not suggested the inclusion of a community store in the PUD Sketch Plan review.

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