

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401

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

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

David E. White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Senior Planner
Mary O'Neil, AICP, Senior Planner
Elsie Tillotson, Department Secretary
Anita Wade Weber, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Senior Planner

Date: April 21, 2015

RE: Sketch Plan Review for 80 and
94 Colchester Avenue; 27 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: ZP15-0896SP

Location: 80 and 94 Colchester
Avenue; 27 Fletcher Place

Zone: Institutional **Ward:** 1E

Date application accepted: March
19, 2015

Revised plans received: April 13,
2015.

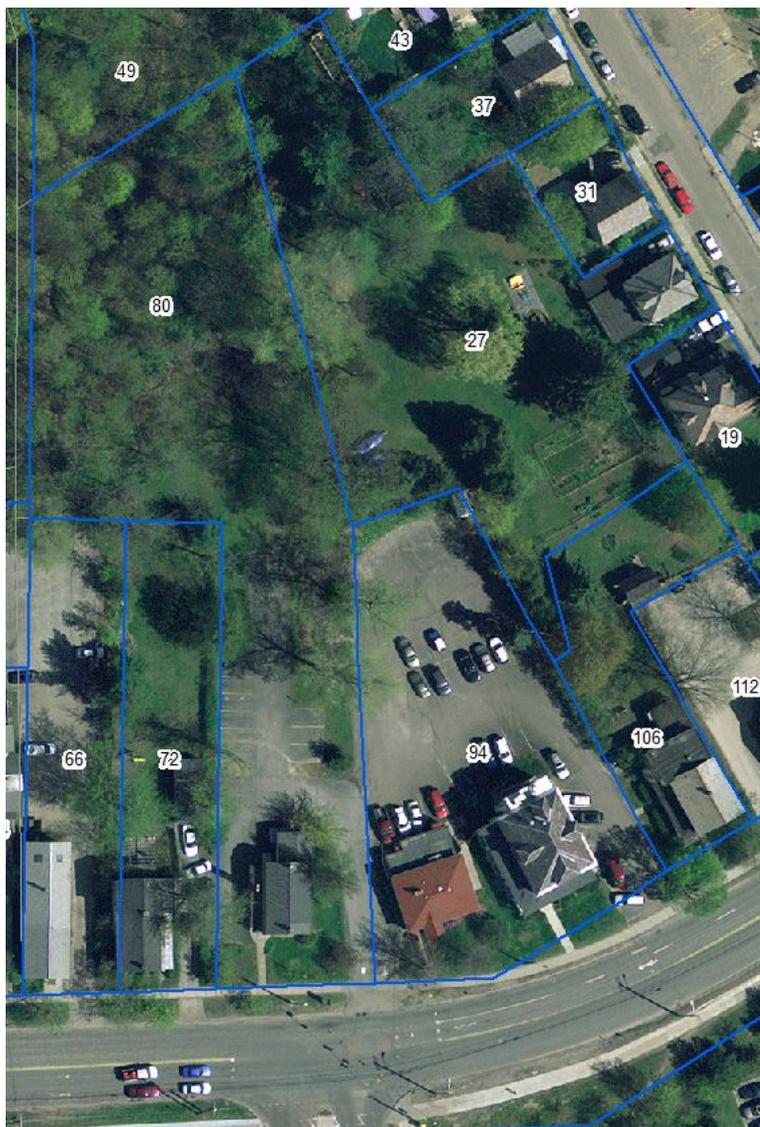
Applicant/ Owner: Randall Miller
and Francis J. VonTurkovich

Request: Construct 79 apartment
units in 3 story building with
underground and above-ground
parking facilities.

Background:

72 Colchester Avenue

- **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

- **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

- **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

- **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, create new parking spaces. *Currently under review.*
- **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 Decmeber 1968.

Overview: Contiguous property owners propose a collective development of four lots, allowing for utilization of large rear/interior area for new housing. The combined parcel size is 3.62 acres, fronting on both Fletcher Place and Colchester Avenue. A single 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 ingress/egress further west at an existing driveway west of 72 Colchester Avenue. 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.

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 north of the project area, in the adjacent ravine. No contour lines are visible at the specific project site leading to the assumption that the entire project area is at 310. Clarification will be required.

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

1. *The capacity of existing or planned community facilities;*

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.

2. *The character of the area affected;*

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.

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. 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 scale. Fletcher Place is entirely residential, with 7 single family homes, and 2 triplex residences (7-11 and 19 Fletcher Place.) 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 character of the area.

The proposed three story, large mass building envelope is not in character with existing residential structures or residentially scaled buildings along the north side of Colchester Avenue. There is no transition between the buildings fronting either street and this large structure, except for the space between each. Abutting and within historic streetscapes, it is inconsistent with historic building patterns and the existing character of the area.

3. Traffic on roads and highways in the vicinity;

No specific traffic information has been provided for this sketch plan review; however, a comprehensive traffic analysis will be required with preliminary plat application. 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.

4. Bylaws then in effect;

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.

5. Utilization of renewable energy resources;

No information has been provided with respect to the utilization of renewable energy resources.

6. Cumulative impacts of the proposed use;

Residential attached dwellings – Mixed Use is a Conditional Use in the Institutional Zone. An assessment of potential impacts with this relatively large scale residential development will need to be analyzed; however as residential use is permitted in this zoning district, the cumulative impact of housing may be deemed negligible.

7. Functional family;

Regulation relative to Functional Family provisions of the ordinance do not apply in the Institutional zoning district.

8. Vehicular access points;

Access is proposed to be introduced at the UVM Medical Center traffic light, with additional access/egress between 70 and 72 Colchester Avenue. Some discussion is appropriate about the potential for egress only at the westerly point. See Section 6.2.2 (i) for further discussion.

9. Signs;

No signage is included in this proposal. Signs will require separate zoning permits.

10. Mitigation measures;

The interior development will not likely have measureable impact on Colchester Avenue; however the building's size and intensity of use will bring increased lighting, vehicular traffic, demands for refuse and recycling, water and sewer capacity, and stormwater/water infiltration concern. Each of these will need to be addressed at the time of application.

11. Time limits for construction;

No time limits for construction have been specified in this sketch plan submission. Zoning permits are valid for 2 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. As this abuts residential properties, hours of construction will likely be defined by the Development Review Board.

12. Hours of operation and construction;

For residential use, hours of operation do not need to be defined. Hours of construction are typically approved for 7:30 am – 6:00 pm Monday through Friday, with Saturday hours limited to interior work. This will be at the discretion of the Development Review Board.

13. Future enlargement or alterations;

In the event of future enlargement or alteration, permits would be required and reviewed under the regulations then in effect.

14. Performance standards;

Performance standards relating to outdoor lighting and erosion control are addressed under Article 5 of these findings.

15. Conditions and safeguards;

Not applicable for sketch plan.

(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 Colchester Avenue medical offices) 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) 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;
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) 3.

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; however preliminary discussions with the developer suggest small units intended to serve a professional population associated with area institutions. One bedroom apartments 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 paid 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. All affected City Departments (Parks & Recreation, Fire, Police, Electric, CEDO, Planning & Zoning, School, and Public Works) will be notified and involved in the review of this project.

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 and 6.2.2.

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, travelways, 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.)*
- *Undertake an analysis to better understand the physical capacity of specific parts of the city to accommodate additional development. (MDP, Land Use Plan, Page I-30.)*
- *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 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 residences will moderately contribute to the city's housing stock. The specific size, type and affordability of the units are not 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.

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 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

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 ² Minimum 15'	Side ³ 10% of lot width, Min. 5', Max 20'.	Rear 25% lot depth, min. 20', max 75'	
Proposed development	8 existing / equivalent units + 79 new = 87. 87/3.62 acres = 24.03. Equals density allowed with IZ units.	28% proposed. This calculation seems to be inaccurate when compared to the site plan. The applicant will be required to break down coverage (building, parking, walkways, etc.) to confirm compliance.	No change to Colchester Avenue or Fletcher Place.	• See com men ts below.	An argument can be made that there are only 2 frontages (Colchester Avenue and Fletcher Place); all other property boundaries would be side yards. The proposed parking, however, will meet a minimum 5' rear yard setback for parking.	Height has not been defined, but is limited to 35'.

* **There are significant problems with side yard setback measurements.** The plan illustrates a setback from the westerly property line of 66 **Colchester Avenue**, which has not been identified

as part of this application other than a reciprocal easement arrangement for parking access. The access drive/cul-de-sac meets no required setbacks. Original plans included the potential for shared use with 96 Colchester Avenue. Revised plans are unclear.

The merger of lots fronting on Colchester Avenue will alter setback requirements, as the lot will then become wider at that point. Side yard setbacks are required to be 10% of the lot width. Much conflict is present on the westerly side of the proposed structure relative to meeting that setback. It is also likely that there will be increased level of non-conformity, particularly as it relates to side yard setbacks for 94 Colchester Avenue. See Section 11.1.6.

Please review full size plan for ease of reading measurements and calculations for required side yard setback.

2. The calculation of the front yard setback shall be a percentage of lot width and depth or as defined and described in Article 5.

Section 4.4.4 (c) Permitted and Conditional Uses

Attached dwellings, multi-family is 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. The lot appears to exceed the 28% coverage as asserted on Plan SP-2. A breakdown of the coverage and confirmation 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). Elevations illustration a measurement of 34'10" to what appears as barrel roofs.

Section 5.2.7. Density and Intensity of Development Calculations

See Table 4.4.4-1, above.

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, 80 and 94) will create a larger lot width, increasing the required side yard setback. While it can be acknowledged that 72 Colchester Avenue currently extends over the property boundary and will remain so, 94 Colchester Avenue

will become non-conforming to side yard setback on the easterly boundary. 10% of the lot width at that location is approximately 19.5' (24'7", if 66 Colchester Avenue is included in the plan), the existing structure is about 10' from the property line. Therefore, lot merger will create new non-conformity relative to setbacks and therefore not 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 have been disclosed to 72, 80, 94 Colchester Avenue or 27 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 will experience a much greater intensity of use with this plan. The most significant change will be the introduction of a very large, elongated residential structure in the rear of the (proposed) combined lots. The structure will effectively remove most of the open space behind these older structures, and introduce a building of a much 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. Essentially, the plan is to create an interior neighborhood, much as other developments have evolved from Colchester Avenue. Some examples might be Nash Place, Thibault Parkway, and even Fletcher Place itself.

A growing city utilized open area tangent to a major thoroughfare to expand residential opportunities; but each successfully created a nucleus neighborhood that was independent of, but related to neighboring development.

While the subject project proposal is clearly differentiated from the historic structures on the same parcel(s), it starkly contrasts in proportion, massing, and scale with its neighbors. Rather than discrete divisions between smaller residential structures that collectively would create a hamlet, this plan maximizes the buildout potential in a single, multi-story building. Surface treatment and material variation only superficially break up the large mass. The central access/cul-de-sac at the building entrance and adjacent on-grade parking give the experience of a drive up hotel rather than a residential enclave. Although the actual appearance from the public streets may not be discerned until modeling studies are done, the suggestion is that the building is out of scale, character, and proportion to be reasonably compatible with its abutting neighbors. Greater harmony and success would be found in several buildings of smaller proportion that would collectively resemble a collection of domestic scale residences rather than interstate lodging facilities. While potentially meeting dimensional limitations of the ordinance, the project does not meet 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. Lighting must meet these standards for approval.

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

Several discrete parcels are suggested as merged together. A boundary line adjustment will be required simultaneously with the plan. The submitted revised site plan places setbacks from property lines on parcels that are not part of the analysis, i.e. 66 Colchester Avenue. (96 Colchester Avenue is suggested as playing a potential role in the discussion of shared access and parking.) These important details must be addressed prior to project review advancement. While a survey is not required at preliminary plat, the preliminary plans must nonetheless show exact boundary lines. A boundary survey by a VT licensed land surveyor must be provided prior to final plat review.

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. As no contours are provided on the plan, and no existing conditions landscaping has been submitted, little else can be inferred.

(b) Topographical alterations

As noted, more information is needed to understand how the site may be modified to accommodate the project.

(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

No apparent alternative energy is incorporated into the project design. The proposed barrel roofs may foreclose the opportunity to use solar. An examination of the feasibility of solar (voltaic or hot water) 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.

No specific areas for snow storage have been identified on the site. This will be a requirement.

(h) Building location and orientation

Whether intended or not, the proposed development is large enough that it will essentially result in the establishment of a new neighborhood. 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. 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 reach density allowances on a unique plan to utilize undeveloped rear yards. While the efficacy and frugal nature of the plan is understood (especially in regard to expenses associated with access and building code) the project lacks an understanding of the importance of creating a neighborhood that is more than just the number of dwellings allowed.

(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 behind 72 and 80 Colchester Avenue, and potential access to an existing driveway west of 72 Colchester Avenue. That secondary avenue is the direct path to the underground parking proposed for the

new building. It was suggested at an informal staff review that perhaps one of these access paths should be egress only; however the westerly path (next to 72 Colchester) appears now to be the only entrance to the underground parking. Please note that this lane is outside the boundaries of the properties that are included on the application. To utilize this path would require inclusion of 66 Colchester Avenue as part of the plan, or an easement or shared use access agreement between property owners. That is suggested in the April 13, 2015 email to staff.

(j) Pedestrian access

Sidewalks connect directly to those on Colchester Avenue, and circle a portion of the inner cul-de-sac. "Possible access easement" or work outside the boundaries of involved parcels must be resolved prior to final review.

(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 should be more fully developed at the time of review.

(l) Parking and circulation

Parking is proposed under the building 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 to a cul-de-sac that connects to a surface parking area and a drop off at the building entrance. A second access is suggested west of 72 Colchester Avenue in what appears to be a shared use arrangement that will allow entrance to an underground parking area. As this crosses property boundaries, the applicant must demonstrate easement or other instrument to allow use of abutting parcels to provide the suggested access and circulation.

(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 inhospitable for open space amenities due to the challenging topography. There is a large expanse of open lawn that is identified for a surface parking lot, which would be better dedicated to gardens, picnic tables, clothes lines, or grounds dedicated to the enjoyment of the residents. Further exploration of similar opportunities is encouraged and will in fact be required, per Article 11.

(o) Outdoor lighting

See Section 5.5.2.

(p) Integrate infrastructure into the design

On-site utilities need to be undergrounded when practicable. 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.

It would be preferable to integrate trash and recycling operations within the building rather than as a stand-alone on the west of the site. The location of recycling facilities will need to be identified as well.

It is doubtful that a single dumpster will be capable of handling the refuse of 79 new residential units. 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 existing structures behind which this building is proposed are 1-2 ½ stories; typical for the residential style buildings on the north side of Colchester Avenue and the west side of Fletcher Place. At three full stories with a barrel roof, this building has the potential to be significantly higher than the existing buildings that ring it; however modeling studies may alter that perspective. As there are no contour lines on the specific site itself, it is not possible to ascertain if the development is proposed on lower terrain than Colchester Avenue or Fletcher Place. The applicant is encouraged to prepare a modeling demonstration to illustrate the proposed building within the context of the site.

2. Roofs and Rooflines

Alternating barrel and flat roofs are proposed; the former not common and certainly not evident in neighboring residential buildings. The only remotely similar roof in the area is Gutterson Field House.

The flat roofs aligned with building openings on preliminary elevations (easterly main entrance, garage opening) which will prevent rapid snow slide into the path of residents or vehicles. The roof style, however, is likely to accelerate snow slide which may have an impact on available window openings/sunlight on the lower level.

3. Building Openings

Windows are orderly arranged across each façade. See note above about likely blockage of window openings if snow slides off roofs. The south elevation that faces Colchester Avenue has a disappointing window selection and arrangement, given the broad solar exposure. More generous window openings, to benefit from passive solar, are recommended.

The garage opening is not illustrated on the westerly elevation, and needs to be.

The north façade has no windows on the westerly side; unless this is a staircase or elevator area, windows would be welcome for residential use to admit as much light as can be retrieved on a winter day, and would afford a view of the natural area to the north.

(b) Protection of important architectural resources

See Section 5.4.8 (b).

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

Until modeling studies are submitted, it is not clear how this building may appear from Colchester Avenue or Fletcher Place. Materials have not been defined, but appear to be at least a clapboard product and masonry veneer. A landscaping plan will help understand proposed ground plantings that will enhance the entrance and the site. The building does, however, appear to be more like a hotel structure than smaller residential dwellings characteristic within the context.

(e) Quality of materials

Unknown at present. More specific information will be expected at application.

(f) Reduce energy utilization

There is no information relative to energy efficiency of the proposed buildings. At a minimum, the buildings must comply with the city's current energy efficiency requirements.

(g) Make advertising features complimentary to the site

No advertising features are included in the proposal. Signs are subject to subject zoning permit review.

(h) Integrate infrastructure into the building design

No building mounted mechanical equipment or meters are noted on the elevation plans. Any rooftop equipment must be incorporated into an architectural feature as part of the overall project design. They may not simply be placed atop the roofs.

(i) Make spaces safe and secure

As a multi-unit building, the new structure should have an intercom system to maximize personal safety of the tenants. The Fire Marshal will need to approve a plan for site access.

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

No submission of proposed parking count has been submitted, although the applicant has offered that 59 places are on the schematic design for the garage. 15 surface parking spaces are illustrated on the interior, with another 8 on the west of the site. The applicant indicates that are 30 surface spaces with room to add 6 more if needed. Where these 30 are located, and whether they are pre-existing is not known. Additional parking spaces are on 66 Colchester Avenue, which has not been identified as part of this application. They may currently be serving that medical office use. The applicant needs to clearly define the parameters of this project, the properties and the existing uses that are being included in the overall plan so an accurate parking requirement can be made.

In the Shared Use Parking District, 1 parking space is required for each dwelling unit. For 79 new residential units, 79 new parking spaces will be required.

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 79 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.

Article 9: Inclusionary and Replacement Housing

Section 9.1.5 Applicability

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 79 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 from the manager of the city's Housing Trust Fund will be required. Any stipulations would be included as a condition of approval.

Section 9.1.15 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.

Section 9.1.13 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.

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

- (c) 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 alteration to Impacts Fees.

Sec. 9.1.18, 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. 9.1.19, 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 9.1.18.

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.

There is no subdivision of land included in this proposal. At least four parcels are proposed to be combined. As a major PUD, a boundary survey done by a Vermont licensed surveyor must be completed with the final plat application.

(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.

As noted in Table 4.4.4-1, new non-conformity, or an increase in non-conformity would be introduced in the proposed plan relative to side yard setbacks; particularly evident on the easterly side of 94 Colchester Avenue. Required side yard setbacks for that zone are 10% of the lot width. At that point, the lot width is 195’ (10% = 19.5’) or if 66 Colchester Avenue is included, the lot width is 247’, requiring the maximum setback of 20’. Therefore, the boundary line adjustment would be denied based upon creation of new non-conformity. See Article 11 for further discussion and requirement to meet setbacks along the periphery of the project.

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; however existing conditions are not separately and clearly articulated relative to topo contours and landscaping.

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.

Refer to Section 10.1.8 (a) for Preliminary Plat Submission Requirements.

Article 11: Planned Unit Development

Section 11.1.5 Modification of Regulations

With the approval of the DRB, and subject to the limitations of Section 11.1.6, the density, frontage and setback regulations may be altered for a planned unit development. More than one principal use and more than one principal structure may be permitted on a single lot. At the discretion of the DRB the dwelling units 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 plat submission and such modifications shall be subject to the provisions of Section 11.1.6 and Section 11.1.7.

Section 11.1.6, Approval Requirements

(a) Lot coverage requirements of the district shall be met

The coverage limit is 40% in the Institutional zone, but may reach 48% with bonuses. The plans note 28% coverage, which will need to be confirmed for combined involved parcels.

(b) The minimum setbacks required for the district shall be met

As noted previously, side yard setbacks are not compliant.

(c) The minimum parcel size shall be met if the project is located in a RL or RL-W district

Not applicable in the Institutional Zone.

(d) The project shall be subject to design review and site plan review of Article 3, Part 4

See Article 3 above.

(e) The project shall meet the requirements of Article 10 for subdivision review

See Article 10 above.

(f) All other dimensional, density, and use requirements of the underlying zoning district shall be met as calculated across the entire project

As noted, side yard setbacks are not compliant, and there is an increase in non-conformity relative to existing setbacks as proposed.

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

No open space is identified; rather, a surface parking lot is proposed east of the building site. This is the most advantageous location to introduce common land for the collective use of the intended residents.

(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 as part of 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 though the Municipal Development Plan. How that occurs, and how it might look will determine the appropriateness of the design within the context proposed. Given the current setbacks along Colchester Avenue, this plan demonstrates the challenge to combine lots and still comply with required setbacks of the zone.

(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. A proposal to add surface parking within the site eliminates an 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;*

There has been no definitive description of housing types intended for the development. This will need to become clear 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; and,*

This standard does not strictly apply. The project area does not need to be developed, and it enjoys an existing amount of infrastructure, buildings and use. The ravine area to the north falls outside the development area.

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

As conceptually proposed, the building design proposes maximizing the density buildout with a minimal amount of design inspiration. In context, massing and proportion, the building remains out-of-scale with its neighbors and irrelevant to the character of the area. Wall treatments, finishes, building openings and overall arrangement resemble a hotel. As there are no residential appurtenances like porches, patios, breezeways, gardens, play areas, or clotheslines, there are no identified commonly acknowledged amenities within the concept plan.

(j) *The proposed development shall be consistent with the Municipal Development Plan See Sec. 3.5.6 (b) 10.*

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