

Department of Permitting & Inspections

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MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: November 19, 2019
RE: 20-0432CU; 80 Colchester Avenue

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: ZP20-0432CU
Location: 80 Colchester Avenue
Zone: I **Ward:** 1E
Date application accepted: October 16, 2019
Applicant/ Owner: PT 360 Inc. / Colchester Avenue Housing, LLC
Parking District: Shared Use
Request: Change of use from a membership club to a medical office (physical therapy).



Applicable Regulations:

Appendix A (Use Table – All Zoning Districts), Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps and Districts), Article 8 (Parking)

Background:

- **Zoning Permit 20-0444SN;** new freestanding sign. Approved October 2019.

- **Zoning Permit 17-0388CA/MA**; planned unit development for 66, 72, 80, 94 and 96 Colchester Ave., construct a 3 story residential building containing 75 apartment units. Approved May 2017.
- **Zoning Permit 16-01400LL**; lot line adjustment for 80 Colchester Ave, 27 Fletcher Place and 49 Fletcher Place. Approved December 2016.
- **Sketch Plan Review 15-0896SP**; construct 79 apartment units in a 3 story building, above ground and underground parking. April 2015.
- **Zoning Permit 15-0390SN**; install new freestanding sign for Hillel. October 2014.
- **Zoning Permit 15-0042CA/CU**; change of use from office space to a membership club, replace exterior staircase and install bike rack. August 2014.
- **Zoning Permit 04-016CU**; establish UVM admin offices. January 2004.
- **Zoning Permit 01-389**; externally illuminated freestanding sign for existing medical office. April 2001. Permit relinquished October 2001.
- **Zoning Permit 00-516**; refurbish existing side porch to allow ramping of deck for h/c accessibility to the existing medical office. No increase in coverage or change in use. May, 2000.
- **Zoning Permit 99-277**; Removal of slate roofing; replacing with asphalt shingles for existing medical office. December 1998.
- **Zoning Permit 92-123 / CU92-011**; Construction of ten additional parking spaces for a total of 16 for the existing medical office and residential unit. Existing curb cut to be eliminated, with joint use of adjacent property's curb cut (medical office, 94 Colchester Avenue.) September 1991.
- **Zoning Permit**; Request for Conditional Use permit to construct a private parking lot. Property owner notifies zoning office that he has not been informed of the request. Withdrawn by applicant July 1990.

Overview:

The applicant proposes to convert the entire building at 80 Colchester Avenue from a membership club to a medical office (physical therapy). This project represents a relocation of PT360, which currently occupies 64 Colchester Avenue, just down the street. The two story building was built in 1935 and is listed on the State Register of Historic Structures.

The building was included in a Planned Unit Development approved by the DRB on May 10, 2017 (ZP17-0388CA/MA). The PUD involved 66, 72, 80, 94, and 96 Colchester Avenue. New development includes construction of a 3 story residential building containing 75 apartment units and combined/reconfigured surface parking areas. The existing buildings on the properties included are to remain in place. Construction for the development has yet to begin. However, review of this zoning permit will assume the PUD's layout, particularly pertaining to use of the reconfigured parking areas.

Recommendation: Conditional Use Approval, per the following findings and conditions:

I. Findings

Appendix A – Use Table – All Zoning Districts

Office, Medical/Dental is a Conditional Use in the I zoning district. The applicant proposes to change the membership club to a medical office. No exterior physical changes to the building are proposed. The building's two stories total 1,911 sf in finished space, of which the new medical office use will occupy. **Affirmative finding**

Article 3: Applications, Permits and Project Reviews

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

1. *Existing or planned public utilities, facilities, or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The proposal will have minimal impact on public utilities, facilities and services. It is possible that a state wastewater permit will be required, and if so, the applicant will be responsible for securing said permit. **Affirmative finding as conditioned.**

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 property is within the Institutional zone, where there are a variety of uses, ranging from UVM educational buildings, various commercial uses, and residential properties. Prior to the membership club use, it was office space for a number of years, dating back to at least the 1990s per permit records. The commercial aspect of the building will not change as a result of the current proposal. **Affirmative finding.**

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

No greater impacts are anticipated. **Affirmative finding.**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation, safety for all modes; and adequate transportation demand management strategies;*

This parcel is located on Colchester Avenue, a heavily traveled street that provides a high level of service. The existing access will continue to serve the subject property. There are transit stops within walking distance (<100 feet) along Colchester Avenue, and sidewalks exist on both sides of the street. The proposal is not expected to create adverse impacts on the existing transportation system. **Affirmative finding.**

5. *The utilization of renewable energy resources;*

Nothing within the application prevents the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**

and;

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*
The application and resultant change in use will be required to meet all bylaws and city and state ordinances in effect. **Affirmative finding as conditioned.**

(c) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*
Not applicable. No changes to the site are proposed.
2. *Time limits for construction.*
Not applicable. There is no construction proposed.
3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
The application does not note specific office hours, but the business' website (PT360) notes hours of 7:00 am to 6:00 pm, Monday thru Thursday, 7:00 am to 3:00 pm on Fridays, and closed Saturday and Sunday. Given the nature of the business, negative impacts on surrounding properties are not expected. **Affirmative finding.**
4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*
The proposal will take full advantage of the building's finished space. Should there be enlargements or alterations in the future, the applicant will have to return to the DRB for approval. **Affirmative finding as conditioned.**
and
5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*
None identified.

Article 4: Zoning Maps and Districts

- (a) *Purpose: The Institutional District (I) as illustrated in Map 4.4.4-1 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 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 institution's 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.

The proposal is simply changing one commercial use to another within the existing building. PT360, which currently exists three doors down the street, will continue to provide a desirable service to the surrounding community. **Affirmative finding.**

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

In the Shared Use Parking District, medical offices require 2 spaces per 1,000 sf of gross floor area. Given 1,911 sf of finished space, the new use requires 4 parking spaces. The previous membership club use required 2.5 spaces per 1,000 sf of floor area – 5 spaces. As the required parking is less than what was required by the previous use, the parking may be considered compliant. The rear parking lot currently contains 13 spaces. **Affirmative finding.**

II. Conditions of Approval

1. The applicant/property owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
2. The applicant/property owner shall secure a state wastewater permit, should one be required for the proposal.
3. Any physical alteration or enlargement of the use will require a new zoning permit, subject to regulations in effect at the time of permit application submittal.
4. Standard Permit Conditions 1-15.