

Department of Permitting & Inspections

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MEMORANDUM

To: Development Review Board
From: Ryan Morrison, Associate Planner
Date: October 1, 2019
RE: 20-0260CU; 94 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: ZP20-0260CU

Location: 94 Colchester Avenue

Zone: I **Ward:** 1E

Date application accepted: September 3, 2019

Applicant/ Owner: Radika Dahal / Colchester Avenue Housing, LLC

Parking District: Shared Use

Request: Change of use in the lower level of the existing building from a medical office to a beauty salon. Proposal includes a 1 space parking waiver request.



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), Article 13 (Definitions)

Background:

- **Zoning Permit ZP17-0388CA/MA;** planned unit development in combination with 66, 72, 80, and 96 Colchester Avenue - construct a 3 story residential building containing 75 apartment units, combine and reconfigure surface parking areas. May 2017.
- **Non-Applicability of Zoning Permit Requirements 07-703NA;** replace asphalt shingle roof with same. May 2007.
- **Zoning Permit 91-154;** remove two windows and one door from north elevation and install three windows on same side. No change in use. October 1990.
- **Zoning Permit 89-042;** 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.

Overview:

The applicant proposes to convert the lower level of the existing building from a medical office to a beauty salon. The upper level will continue to be used as a medical office. The building was constructed in 1960.

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

Salon/Spa is a Conditional Use in the I zoning district. The applicant proposes to convert the lower level of the existing building at 94 Colchester Avenue from a medical office to a beauty 'Salon/Spa' (see definition – Article 13 below). **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. The subject property has been used as a medical office for many years. 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 applicant notes business hours of 8:30am to 5:00pm, Tuesday – Saturday, and 9:00am to 5:00pm on Sundays. The application notes that the business will not be open on Mondays. 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 takes full advantage of the building’s lower level. However, should there be a 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. The salon will provide what is anticipated to be 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, and a salon/spa requires 4 spaces per 1,000 sf of gross floor area. With a lower level floor area of 1,073 sf, 4 spaces will be required for the new use – two more spaces than what the previous medical office use required.

Given the 2 space credit from the previous medical office, the proposed use will have to come up with 2 parking spaces. Parking for the future PUD totals 125 spaces, of which 124 were required

based on existing and proposed uses. That extra space is being reserved for the beauty salon, which leaves a one-space deficiency. Sec. 8.1.15 (below) allows for parking waivers of up to 90% for non-residential uses. **Affirmative finding if the DRB approves the parking waiver.**

Section 8.1.15 Waivers from Parking Requirements/Parking Management Plans

Waivers of up to 90% can be permitted for non-residential uses. The PUD developer has agreed to assign the 125th space out of the 125 parking spaces to the salon – leaving the new business 1 space short of the required 4 spaces (after the 2-space credit from the previous medical office use). As a result, they propose a 25% waiver. The applicant states that the business, being located so close to UVM and the Medical Center, several nearby businesses, as well as near a large residential neighbor, that foot traffic is highly anticipated. The applicant continues that since it is only one person that will run the salon, there will only one customer at a time. Because of that, 2 vehicles would need parking (the business owner's and the customer's) – or potentially 3 vehicles – should a new customer's arrival overlap with a current customer. Additionally, with the PUD's 125 space, shared parking lot, there will be a multitude of parking spaces that will be available during Tuesday-Friday business hours as a result of residents departing for their daily jobs. It would also be assumed that extra spaces will be available on Saturdays and Sundays as the other businesses included in the PUD will be closed, and some residents may be away for the weekend.

Given the future shared parking area for the PUD, and the above reasoning for a one-space waiver, a 25% waiver appears to adequately satisfy the intent of the parking regulations. **Affirmative finding if the DRB approves the parking waiver.**

Article 13: Definitions

Salon/Spa: An establishment where non-surgical cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation, including but not limited to day spas, tanning beds and chemical treatments.

The salon will include haircuts, styling, body waxing, tanning and skin care. **Affirmative finding.**

II. Conditions of Approval

1. A 1-space parking waiver is included in this approval. The applicant shall report back to the Department of Permits & Inspections each year for three years to define the efficacy of the parking waiver.
2. 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.
3. The applicant/property owner shall secure a state wastewater permit, should one be required for the proposal.
4. 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.
5. Standard Permit Conditions 1-15.