

## 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*  
*Meagan Tuttle, Comprehensive Planner*  
*Jay Appleton, Senior GIS/IT Programmer/Analyst*  
*Scott Gustin, AICP, CFM, Principal Planner*  
*Mary O'Neil, AICP, Principal Planner*  
*Ryan Morrison, CFM, Associate Planner*  
*Elsie Tillotson, Department Secretary*  
*Anita Wade, Zoning Clerk*



### MEMORANDUM

To: Development Review Board  
From: Mary O'Neil, AICP,  
Principal Planner  
Date: August 2, 2016  
RE: ZP16-1506CA/CU 0  
University Road / 290 East  
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:** ZP16-1506CA/CU

**Location:** City parcel  
identification: 0 University

Road. Building identification to be 290 East Avenue.

**Zone:** I/RL/RCO-G Development area within I zoning district. **Ward:** 1E

**Date application accepted:** June 29, 2016

**Applicant/ Owner:** University of Vermont

**Request:** Construction of a new 1 story building for UVM Rescue Services. Sidewalk and parking reconfiguration, no change in the overall number of parking spaces.

**Staff site visit:** July 22, 2016

#### **Background:**

##### **0 University Road**

- Zoning Permit 14-0704CA; add roof over storage area for winter sand storage. January 2014.
- Zoning Permit 13-0854CA; pave existing gravel portion of University Road. No change to dimensions. April 2013.
- Zoning Permit 14-0085CA; construct new grounds materials storage building on new asphalt pad, within existing outdoor storage area. August 2013.



- Zoning Permit 10-0681CA; demolish five small outbuildings around Centennial Field property. Buildings are two story building #951, two ticket buildings #983 and #984 and two trailer buildings #988 and #989. March 2010.
- Zoning Permit 07-497CA; pave an existing gravel parking lot at Centennial Field to address drainage issues. March 2007.
- Zoning Permit 04-267; Redesign East Campus Stormwater Treatment and Collection Facility. Basin size increased. November 2003.
- Zoning Permit 87-040; raise existing detention pond dam 2' to raise existing outlet structure 1'9". February 1987.
- Zoning Permit, install a 4000 gallon gas tank and pump on University Road at Centennial field. November 1973.

**Related permitting for 284 East Avenue** (current site of UVM Ambulance/Police services)

- **Zoning Permit 15-0863SN**; one parallel sign for UVM Police Services entry. March 2015.
- **Zoning Permit 15-0536CA**; relocate access to property. January 2015.
- **Zoning Permit 15-0194CA**; replace vestibules, ramps, asphalt sidewalks with concrete, install lights, bollards, EV charging station, bike rack. August 2014.
- **Zoning Permit 14-0110CA**; installation of bleacher unit along the west sideline of rugby field with associated pervious stone pad. August 2013.
- **Zoning Permit 13-0372CA**; replace existing shed with new wooden shed in same location. October 2012.
- **Zoning Permit 07-279CA**; install exhaust ventilation equipment for UVM Rescue Ambulance Bay on south side of building. October 2006.
- **Zoning Permit 04-162**, remove two existing emergency generators and replace with new generator on ground pad for transfer switch box and fuel tank. To be enclosed in a sound attenuation enclosure. Landscaping for screening. October 2003.
- **MA 94-044** 280 East Avenue; **CU 93-030** 284 East Avenue; relocate municipal plant administration staff totaling 28 people and the police services administration to the former VHA space located at 284 East Avenue. July 1994.
- **ZBA CU 93-030**; Conditional Use of Accessory Day Care space to office space (Visiting Nurses Association) November 1992.
- **Zoning Permit 87-641**; erect freestanding sign in front of existing building on East Avenue. December 1987.
- **Zoning Permit 87-581**; install two flagpoles in front of existing building. November 1987.
- **Zoning Permit 86-477 / COA 86-049**; conditional use review for Visiting Nurses Association to relocate from 260 College Street to the building presently operated at UVM's Student Health Center. Approved May 1986.

- **Zoning Permit** to enlarge the floor area for health facilities by enclosing ground floor area and remodeling the interior of the rear wing on the south side of the existing nursing home. March 1974.
- **Notice** for temporary permission to store precast concrete slabs for Life Science Building at UVM on the lot south of 284 East Avenue or Municipal Nursing Home. June 1966.

**Overview:** UVM seeks approval for construction of a new Rescue facility, adjacent to where the existing UVM Rescue is located at 284 East Avenue. Although located on a greater parcel identified at 0 University Road (which extends east and north all the way to Centennial Field), UVM has requested the address of 290 East Avenue to aid in building location identification.

The *overall* parcel is within three zoning districts: Institutional (fronting East Avenue) RL (University Road itself) and RCO-G (easterly side of parcel, Centennial Woods.) The proposed development falls within the Institutional portion of the parcel.

The building will be a one story building, metal construction with horizontal vertical insulated metal panels and a standing seam metal roof. The building will provide room for two ambulances (currently only one ambulance can be parked indoors) as well as adequate space for responders to rest, study, exercise and train.

There will be no change in the number of employees or overall parking spaces.

**Recommendation: Consent approval**, per the following findings and conditions:

**I. Findings**

**Appendix A**

School – post secondary & Community College are Conditional Uses within the Institutional Zone. The Rescue facility is an accessory use to the overall UVM institutional use. See Section 3.5.6, below for Conditional Use review.

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

**Part 3: Impact Fees**

**Section 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.*

**Section 3.3.3 Exemptions and Waivers**

(a) The following types of development are exempt from this Part:

1. *Additions to existing dwelling units provided such additions are for residential purposes.*
2. *Alterations to an existing use provided that such alteration occurs entirely within an existing building and within the same square footage.*

3. Land development which does not result in new building square footage (e.g. parking lots, façade renovations, signs, etc.);
4. Additions to existing building for which the sole purpose is to provide additional means of egress (e.g. stair towers, elevators, etc.)

The proposal does not meet the specified exemptions from Impact Fees. Based upon Plan A100 with a building footprint of 68' x 65.25', an estimate of Impact Fees is:

SF of Project 4,437

Department	<u>Offices &amp; Other</u>	
	Rate	Fee
Traffic	0.652	2,892.92
Fire	0.191	847.47
Police	0.338	1,499.71
Parks	0.404	1,792.55
Library	0.000	0.00
Schools	0.000	0.00
<b>Total</b>	1.585	<b>\$ 7,032.65</b>

Final fees will be calculated based upon the gross new area of the building as confirmed by the applicant.

**Affirmative finding as conditioned.**

### 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;*

There is no identified adverse impact or unusual demand to public utilities, facilities or services in the area. On the contrary, this building will act as secondary responder for other area rescue services. **Affirmative finding.**

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 building is proposed immediately adjacent to its existing facility, which also houses UVM police services. The character of the area will remain intact.

From the Municipal Development Plan:

- o *Efficiency: Municipal facilities and services must operate at maximum efficiency towards their respective goals and objectives in order to avoid wasting scarce resources – natural, energy, and human – and public tax dollars. (Community Facilities and Services Plan, P. VII-4.)*

- *Partnerships: The City must pursue partnerships within and between neighboring communities, governments, non-profit agencies and private businesses in order to maximize resources and talents, share responsibilities and serve the future vitality. (Community Facilities and Services Plan, P. VII-4.)*
  - *The City will coordinate land use and development with the availability and capacity of public services, facilities, and utilities in order to ensure a high level of service. (Community Facilities and Services Plan, Page VII-2.)*
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;*

This will replace an existing use on the adjacent lot. No new 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;*

The development will be able to utilize all existing infrastructure; access to East Avenue, connectivity to arterial roadways, existing (reconfigured) parking, circulation, and transportation demands as outlined in the adopted Joint Institutional Parking Management Plan. **Affirmative finding.**

*And,*

5. *The utilization of renewable energy resources;*

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

*And,*

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

The development will be required to meet the standards of Chapter 26 and approval of their submitted Erosion Prevention and Sediment Control Plan. A state wastewater permit may be required; it is the responsibility of the applicant to secure. Required building and/or life safety codes will be under the review of the building inspector and fire marshal.

**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.*

The building location is between the existing UVM Police Services building and the UVM Rugby field, with an existing parking lot to the immediate north. The project is in keeping

with the character of the area; no components are identified as requiring mitigatory screening. **Affirmative finding.**

2. *Time limits for construction.*

The zoning permit has a two year life; construction will need to be completed within that window. **Affirmative finding as conditioned.**

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

Days and hours of construction are typically Monday-Friday 7:00 am – 5:30 pm, with Saturday hours for interior work only. **Affirmative finding as conditioned.**

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

This is a requirement for Conditional Use review. **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.*

This is at the discretion of the DRB.

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

### **Section 4.4.4 Institutional District**

(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 to replace the UVM Rescue Services to a new structure continues the tradition and practice of providing Police and Emergency Services to the campus and community. The new building is situated to take advantage of existing infrastructure, roadways, and parking areas. The new ambulance parking will be provided within the building, hidden from view when not in use. **Affirmative finding.**

**Table 4.4.4-1 Dimensional Standards and Density**

Districts	Max. Intensity	Max. Lot Coverage <sup>1</sup>	Building Setbacks <sup>1</sup> (feet)			Max. Height <sup>1</sup> (feet)
			Front <sup>2</sup>	Side <sup>3</sup>	Rear <sup>3</sup>	
<b>Institutional<sup>4</sup></b>	20 du/ac (24 du/acre with inclusionary req.)	40% (48% with inclusionary req.)	<u>Minimum:</u> 15-feet	10% of lot width  <u>Min:</u> 5-ft  <u>Max required:</u> 20-feet	25% of lot depth  <u>Min:</u> 20-feet  <u>Max required:</u> 75-feet	35'
<b>Proposed at 290 East Avenue</b>	Overall site is 2,724,554 sf. At 1500 soft conversion to dwelling unit, this proposal would equal 3 dwelling units (4437 / 1500) 3 units / 62.54 acres = .04, a fractional increase despite other existing uses on the large parcel and far below max. Intensity of 20 du/acre.	The overall parcel is split by zoning district boundaries; the portion of the lot within Institutional will increase coverage from 13.90 to 14.28%, below the 40% maximum.	Meets minimum 15' setback.	Falls between 5' minimum and 20' maximum.  Shared driveway and associated parking does not need to meet a setback per Section 5.2.5 (b) 6.	No rear parcel line; the lot fronts on East Avenue but continues eastward and to the north all the way to Colchester Avenue. There are 2 street frontages and many side boundary lines.	30' to the ridgeline.

1 –Measurement of and exceptions to coverage, setback and height standards are found in Art 5.

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

3 – Maximum allowable lot coverage, setbacks and building height in portions of this district may be modified by the provisions of the Institutional Core Campus Overlays in Sec. 4.5.2. [This project is not within the Institutional Core Campus Overlay.]

**Affirmative finding.**

**(b) Permitted and Conditional Uses**

Post-Secondary School is a Conditional Use in Appendix A. See Section 3.5.6, above.

**Article 5: Citywide General Regulations**

**Section 5.2.1 Existing Small Lots**

Not applicable.

**Section 5.2.2 Required Frontage or Access**

The new Rescue building will utilize the existing access from 284 East Avenue, and will be immediately accessible to the inner roadway (Catamount Drive) to the Heli-pad. **Affirmative finding.**

#### **Section 5.2.3 Lot Coverage Requirement**

See Table 4.4.4-1, above.

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

Not applicable.

#### **Section 5.2.5 Setbacks**

See Table 4.4.4-1, above.

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

See Table 4.4.4-1, above.

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

See Section 4.4.4-1, above.

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

Not applicable.

#### **Part 4: Special Use Regulations**

Not applicable.

#### **Section 5.49 Brownfield Remediation**

Not applicable.

#### **Part 5: Performance Standards**

##### **Section 5.5.1 Nuisance Regulations**

No unusual or unexpected nuisance impacts are identified with the relocation of UVM Rescue Services to this building; immediately adjacent to its current location and north of the helipad which it will serve. **Affirmative finding.**

##### **Section 5.5.2 Outdoor Lighting**

The project includes exterior mounted LED wall luminaires, two new lantern poles and two relocated lantern poles with retrofitted shoebox LED fixtures. Light levels meet the requirements of Section 5.5.2 (f) 1. (Parking lot lighting) and 2. (Walkway lighting.) See Plan ES-1.

**Affirmative finding.**

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

The proposal will be required to demonstrate compliance with the standards of Chapter 26 of Burlington's Code of Ordinances relative to Wastewater, Stormwater and Pollution Control. An EPSC Plan has been forwarded for review by the engineering team. **Affirmative finding as conditioned.**

##### **Section 5.5.4 Tree Removal**

The applicant has proposed to remove more than 6 trees of 10” or more in caliper, so approval by the DRB of the tree removal is required. The City Arborist has been invited to participate in the review. Almost all of the trees proposed for removal are pine, the same species as the proposed replacement trees. As the building will be at a lower grade than the surrounding area to the west and south, and new plantings are proposed as part of the development, the tree removal can be deemed appropriate as part of the overall development plan.

There are no applicable grounds for denial per Section 2. of this standard:

- A. Providing a significant privacy or aesthetic buffer or barrier between properties;*
- B. Providing stabilization on slopes vulnerable to erosion;*
- C. Located within a riparian or littoral buffer;*
- D. Provide unique wildlife habitat*
- E. A rare northern Vermont tree species as listed by the Vermont Natural Heritage Program,*  
*or*
- F. A significant element of, or significantly enhances an historic site.*

### **Affirmative finding.**

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

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

Not applicable.

**Note:** Review under the next two sections will be governed by the following over-arching statute:

### **Vermont State Statute, §4413, Limitations on municipal bylaws**

- (a) The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended function use:
  - (1) State or community owned and operated institutions and facilities.*
  - (2) Public and private schools and other educational institutions certified by the state department of education.**

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

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

##### *a) Protection of Natural Features*

There are no notable features; the site is a grassy area adjacent to an existing parking lot and private roadway. **Affirmative finding.**

##### *(b) Topographical Alterations:*

There is approximately an 8’ grade change between the existing parking lot and the area for development / rugby field. SP-1 illustrates alteration and contour to accommodate the building, with grading to reconcile with surrounding area. The project is subject to review by the Stormwater Administrator for the submitted EPSC plan. No negative impact is anticipated by these changes. . **Affirmative finding as conditioned.**

*(c) Protection of Important Public Views:*

There are no important public views from this site. Not applicable.

*(d) Protection of Important Cultural Resources:*

Not applicable.

*(e) Supporting the Use of Renewable Energy Resources:*

Not applicable per §4413.

*(f) Brownfield Sites:*

None identified. **Affirmative finding.**

*(g) Provide for nature's events:*

Not applicable per §4413.

*(h) Building Location and Orientation:*

The building is located to align with existing building configuration as it faces East Avenue, but to utilize parking and the private access road connecting through 284 East Avenue. It also will avail itself of close proximity to the Heli-pad immediately south/east, which it will serve. **Affirmative finding.**

*(i) Vehicular Access:*

See above.

*(j) Pedestrian Access:*

A pedestrian connection from the 284 East Avenue complex is illustrated on the FFF aerial image looking southwest; this pedestrian path is not evident on the site plan SP-1 and needs to be. A crosswalk is evident, but not uninterrupted and protected pedestrian path from the existing police services building. It may make sense to relocate the crosswalk to align with the landscaped island, to connect directly to the pedestrian door adjacent to the ambulance bays on the east elevation. Otherwise, a pedestrian path needs to be identified on the site plan to clearly articulate a separate between vehicles and pedestrian traffic. **Affirmative finding as conditioned.**

*(k) Accessibility for the Handicapped:*

Any such requirement will be under the review of the building inspector. **Affirmative finding as conditioned.**

*(l) Parking and Circulation:*

Vehicular circulation is proposed to utilize the existing private roadway from 284 East Avenue. No change to the current parking count is proposed, which is contrary to reporting within the most recently adopted Joint Institutional Parking Management Plan which suggested a net decrease in spaces for this anticipated project. (See *2014-2019 Campus Area Transportation Management Association Joint Institutional Parking Management Plan*, p. 4-4, Table 21.) The Freeman French Freeman illustration shows new parking in front (east) of

the building as well as parallel parking spaces along the private roadway. The applicant has directed that this was for illustrative purposes only; the site plan offers the accurate parking space configuration and count. **Affirmative finding.**

*(m) Landscaping and Fences:*

The proposal includes removal of a significant number of trees, primarily pines. Section 5.5.4 addresses tree removal, allowing for removal as part of a development with an approved zoning permit. UVM does not have an approved Tree Maintenance Plan under which to review this proposal.

New pines are proposed for both the west and east of the site. Additionally, arborvitae are illustrated on the site plan to screen a generator. As submitted, landscaping and screening are satisfactory. **Affirmative finding.**

*(n) Public Plazas and Open Space:*

Not applicable.

*(o) Outdoor Lighting:*

*Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.*

See Section 5.5.2, above.

*(p) Integrate infrastructure into the design:*

*Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.*

The generator is proposed to have landscape screening. No other new impact for heat, vapor, fumes, vibration or noise has been identified. **Affirmative finding.**

### **PART 3: ARCHITECTURAL DESIGN STANDARDS**

#### **Sec. 6.3.2 Review Standards**

*(a) Relate development to its environment:*

*1. Massing, Height and Scale:*

Not applicable per **§4413.**

*2. Roofs and Rooflines.*

Not applicable per **§4413.**

*3. Building Openings*

Not applicable per **§4413.**

*(c) Protection of Important Architectural Resources:*

Not applicable.

*(d) Protection of Important Public Views:*

Not applicable per **§4413.**

(e) Provide an active and inviting street edge:

Not applicable per §4413.

(f) Quality of materials:

Not applicable per §4413.

(g) Reduce energy utilization:

Not applicable per §4413.

(h) Make advertising features complementary to the site:

Any signage will require a separate sign permit. **Affirmative finding as conditioned.**

(i) Integrate infrastructure into the building design:

See Section 6.2.2. (p) above.

(j) Make spaces secure and safe:

All building and life safety requirements will be met to the satisfaction of the building inspector and fire marshal. **Affirmative finding as conditioned.**

### **Article 8: Parking**

This development project was anticipated within the Joint Institutional Parking Management Plan (adopted May 2014), although it forecast a total parking loss of 38 spaces. As designed, there is no change to parking space count. As noted, the site plan (SP-1) rules over the contraindicative illustration provided by FFF; no additional parking is proposed along Catamount Drive. **Affirmative finding.**

## **II. Conditions of Approval**

1. Impact fees will be calculated based on the gross new area of the building, as submitted by the applicant. Based on plans, the following estimate is provided:

SF of Project 4,437

Department	Offices & Other	
	Rate	Fee
Traffic	0.652	2,892.92
Fire	0.191	847.47
Police	0.338	1,499.71
Parks	0.404	1,792.55
Library	0.000	0.00
Schools	0.000	0.00
<b>Total</b>	1.585	<b>\$ 7,032.65</b>

Impact Fees must be paid at least seven (7) days prior to occupancy of a new building. They may be paid to the Chief administrative officer/City Treasurer, or at the Planning and Zoning Office.

2. Days and hours of construction are Monday-Friday 7:00 am – 5:30 pm, with Saturday hours for interior work only.
3. Any future enlargement or alteration of the use will require return for review to the DRB to permit the specifying of new conditions.
4. The proposal will be required to demonstrate compliance with the standards of Chapter 26 of Burlington's Code of Ordinances relative to Wastewater, Stormwater and Pollution Control.
5. It is the responsibility of the applicant to secure all applicable local and state permits, include a state stormwater permit.
6. A clearly articulated separation between vehicles and pedestrian pathways will be required on the site plan. This revision to be site plan is subject to staff review and approval.
7. All building and life safety code, including accessibility guidelines will be observed as defined by the building inspector and fire marshal.
8. Approval of this plan includes tree removal and replacement with new landscaping as defined on plan SP-1.
9. Any signage will require a separate sign permit.
10. Standard Permit Conditions 1-15.

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