

Department of Permitting & Inspections

Zoning Division
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MEMORANDUM

TO: Development Review Board
FROM: Scott Gustin
DATE: June 7, 2022
RE: ZP-22-251; 11 Flynn 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.

Zone: RCO-RG Ward: 5S

Owner/Applicant: City of Burlington / Dept. of Parks, Recreation, & Waterfront

Request: Addition of accessible parking area and pedestrian connections to universally accessible playground.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background Information:

The applicant is seeking approval to install a row of handicap accessible parking spaces and related walkways to access the nearby universally accessible playground. This project is very simple and triggers DRB review only because of its cost and size over 500 sf.

As municipal property, the project is subject only to limited zoning review per VSA 24, Sec. 4413, *Limitations on Municipal Bylaws*, (a). Review may address 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 or use.

Previous zoning actions for this property:

- 5/5/21, Approval to reconstruct greenway (bike path) through the park
- 3/13/20, Approval to install chimney swift habitat tower
- 8/28/18, Approval to remove wooden playground and replace with universally accessible playground
- 3/19/18, Approval to install 3 rules and regulation signs
- 7/27/17, Approval to replace asphalt with crushed stone and remove railings
- 3/23/17, Approval to replace one bocce court with two and improve drainage
- 6/6/16, Approval to install 3 parking kiosks
- 2/23/15, Approval to modify upper shelter building and install new concrete

- 8/20/13, Approval to install two concrete pads for benches
- 6/18/07, Approval to install an emergency generator
- 12/5/06, Approval to install two bocce courts
- 9/8/05, Approval to construct a wood frame gatehouse
- 6/21/04, Approval to construct a stone circle and benches
- 12/1/03, Approval to build accessible ramp to tree house
- 9/30/03; Approval to build a community tree house

Recommendation: Consent approval as per, and subject to, the following findings and conditions.

I. Findings

Article 2: Administrative Mechanisms

Sec. 2.7.8, Withhold Permit:

There is just one open and expired zoning permit for this property – 19-0141CA to remove a wooden playground and to replace with an accessible playground. Prior to issuance of a certificate of occupancy for this current zoning permit, this expired zoning permit must be closed with a certificate of occupancy. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.6, Recreation, Conservation, and Open Space Districts:

(a) Purpose

(2) RCO-Recreation/Greenspace (RCO-RG)

Oakledge Park is located in the RCO-RG zone. This zone is intended primarily to provide a diversity of passive and active recreational opportunities. The proposed work will enhance accessibility to the park and its amenities. **(Affirmative finding)**

(b) Dimensional Standards & Density

No new buildings are included, just parking spaces and related walkways. Only lot coverage and setbacks are affected. Current lot coverage is 8.89%. It will increase slightly to ~ 9%. Up to 15% lot coverage is permissible in Oakledge Park. Given the interior location of the proposed work, all setbacks are acceptable. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The outdoor recreational use is permitted in the RCO-RG zone and will not change. **(Affirmative finding)**

(d) District Specific Regulations

(Not applicable)

Sec. 4.5.4, Natural Resource Protection Overlay District:

(c) District Specific Regulations: Riparian and Littoral Conservation Zone

Approximately the north half of the proposed work sits within the 250' wide riparian and littoral conservation zone. As the location of the work sits inland of existing park structures and the recreation path, Conservation Board review is not required. No trees will be removed, and no changes to existing stormwater infrastructure is proposed. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Article 4 above.

Sec. 5.2.4, Buildable Area Calculation

(Not applicable)

Sec. 5.2.5, Setbacks

See Article 4 above.

Sec. 5.2.6, Building Height Limits

See Article 4 above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Article 4 above.

Sec. 5.5.3, Stormwater and Erosion Control

The proposed work requires an erosion prevention and sediment control (EPSC) plan for implementation during construction. Application and approval for such plan is required prior to construction. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

(Not applicable)

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

The row of handicap accessible parking spaces are dimensionally compliant and will be located adjacent to an existing restroom building and pavilion. Access is directly off of the internal park road. As noted above, no existing trees will be removed. Several new plantings are included in this work and are depicted on the proposed site plan. A new light fixture is noted on the site plan; however, details are lacking. Presumably, it will match other existing light fixtures for parking and circulation within Oakledge, but details are needed to confirm acceptability with the outdoor lighting standards of Sec. 5.5.2. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(Not applicable)

Article 8: Parking

Sec. 8.1.9, Maximum On-Site Parking Spaces

The total number of parking spaces within Oakledge is not noted; however, all of the proposed spaces are handicap accessible. As such, they are exempt from the maximum parking limitations of this section. **(Affirmative finding)**

II. Conditions of Approval

1. **Prior to issuance of the zoning permit**, the following items shall be addressed, subject to staff review and approval:
 - a. An erosion prevention and sediment control plan shall be submitted for review and approval by city stormwater staff; and,
 - b. Details for the new parking lot light fixture shall be submitted in order to determine compliance with the outdoor lighting standards of Sec. 5.5.2.
2. **Prior to issuance of a certificate of occupancy** for this zoning permit, prior zoning permit 19-0141CA shall be closed out with a final certificate of occupancy.
3. 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.
4. Standard permit conditions 1-15.