

Department of Permitting & Inspections

Zoning Division
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MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: July 5, 2022
RE: ZP-22-354; 160 Flynn Avenue

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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: E-LM Ward: 5S

Owner/Applicant: Switchback Beerworks, Inc. / Tyler Barnard

Request: Construction of a concrete pad for two external grain silos (with space for a third silo), expand the paved parking area for grain delivery trucks, install new windows, and construct a gravel wetland to manage stormwater runoff.

Applicable Regulations:

Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards)

Background Information:

The applicant proposes to construct a concrete pad for up to three external grain silos, along with a gravel-based wetland to manage stormwater runoff, at the front of the existing brewing company building. Other improvements include new windows at the southeast corner of the existing building, and an area of expanded pavement for delivery trucks. The project will result in 1,160 sf of new impervious surface.

Previous zoning actions for this property:

- 6/4/19, Approval for a 7500 gallon waste tank
- 4/9/18, Approval to increase the height of the loading dock opening, and new garage door
- 7/1/16, Approval to build an outdoor terrace, new driveway access, and new windows
- 9/3/14, Approval to install a projecting sign
- 2/24/14, Approval to install new windows, sunshade and siding
- 3/11/13, Approval to increase the height of a roof section (south side)
- 10/8/12, Approval to install 2 new windows
- 12/27/11, Approval to replace window
- 5/11/11, Approval to add concrete pad for CO2 tank
- 7/31/09, Approval to install two parallel signs
- 11/17/08, Approval to increase the height of a section of roofing to accommodate brewing equipment

- 11/2/07, Approval to install 2 parallel signs
- 5/8/06, Approval to install parallel sign
- 4/22/02; Approval to install new overhead door and man door, additional driveway area
- 7/16/96, Approval to install 2 parallel signs
- 3/23/89; Approval to construct a garage
- 9/12/96; Approval to construct a single story addition to the meat packing facility
- 4/3/96; Approval to construct a single story addition to the meat packing facility (superseded)
- 8/21/90; Approval to construct rear office building addition
- 6/24/82; Approval to construct a storage shed
- 4/23/87; Approval to construct an addition to the meat packing facility
- 4/22/86; Approval to erect fencing
- 8/27/80; Approval to construct a new processing plant and rehab existing single story building for offices

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

I. Findings

Article 4: Zoning Maps and Districts
Sec. 4.4.3 Enterprise Districts

(a) Purpose:

The 2 Enterprise districts as illustrated in Map 4.4.3-1 are described as follows:

*The **Light Manufacturing (E-LM)** district is the primary commercial/industrial center of Burlington, and is intended primarily to accommodate enterprises engaged in the manufacturing, processing, distribution, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment without potential conflicts from interspersed residential uses. Other accessory commercial uses are allowed to support a wide range of services and employment opportunities. This district is intended to ensure that sufficient land area is appropriately designated within the city to provide an adequate and diversified economic base that will facilitate high-density job creation and retention. This district is primarily intended to provide for industrial uses suitable for location in areas of proximity to residential development. Development is intended to respect interspersed historic industrial buildings, and reflect the industrial aesthetic of the district’s past. Parking is intended to be hidden within, behind, or to the side of structures.*

160 Flynn Avenue is an industrially developed lot that has operated as such since circa 1981. The proposed grain silos, expanded driveway area and new windows are accessory to the existing food and beverage processing (brewery) use, and are consistent with the intent of the E-LM zoning district. **Affirmative finding.**

Table 4.4.3 -1 Dimensional Standards and Density

Districts	Max. Intensity	Max. Lot Coverage ¹	Minimum Building Setbacks ¹ (feet)			Max. Height ¹ (feet)
			Front	Side	Rear ³	

	(floor area ratio ¹)					
Light Manufacturing	2.0 FAR	80%	5 min	0 ²	10% ²	45'
Proposed 160 Flynn Avenue	N/a	57.5%	51 ft	N/a	N/a	Silos are approx. 32 ft tall

1 – Floor area ratio is further described in Art 5. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.

2 – Structures shall be setback a minimum of 25-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by enterprise and residential zones are exempt from this district boundary setback.

3 – Percentage of the lot depth.

Affirmative finding.

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Enterprise districts shall be as defined in Appendix A – Use Table.

The existing Food and Beverage Processing use is a permitted use in the E-LM zoning district per Appendix A. **Affirmative finding.**

(d) District Specific Regulations:

1. *Convenience Stores.* Not applicable.
2. *Drive Thrus are not permitted.* Not applicable.

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

Not applicable.

Sec. 5.5.3, Stormwater and Erosion Control

The proposal already received Erosion Prevention and Sediment Control (EPSC) plan approval on June 22, 2022. **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Section 6.2.2 Review Standards

(a) Protection of Important Natural Features

Not applicable.

(b) Topographical Alterations

Not applicable.

(c) Protection of Important Public Views

Not applicable.

(d) Protection of Important Cultural Resources

Not applicable.

(e) Supporting the Use of Renewable Energy Resources

No part of the application precludes the use of wind, solar, water, geothermal or other renewable energy resource. **Affirmative finding.**

(f) Brownfield Sites

Not applicable.

(g) Provide for Nature's Events

An Erosion Prevention and Sediment Control Plan for the proposal was approved by the Stormwater Engineering program on June 22, 2022 **Affirmative finding.**

(h) Building Location and Orientation

The new grain silos will locate along the front wall of the existing manufacturing building. Given the underlying zoning district, these silos will prove to be an appropriate addition to the existing development. **Affirmative finding.**

(i) Vehicular Access

No changes to vehicular access are proposed. Not applicable.

(j) Pedestrian Access

No changes to pedestrian access are proposed. Not applicable.

(k) Accessibility for the Handicapped

No changes to handicap accessibility are proposed. Not applicable.

(l) Parking and Circulation

No changes to the existing parking layout are proposed, nor required. The project will improve the loading dock area however, with an expanded pavement area (470 sf new) to ease delivery truck maneuverability. **Affirmative finding.**

(m) Landscaping and Fences

Not applicable.

(n) Public Plazas and Open Space

Not applicable.

(o) *Outdoor Lighting*

No new lighting is proposed. Not applicable.

(p) *Integrate Infrastructure into the design:*

Not applicable.

Part 3: Architectural Design Standards

Section 6.3.2 Review Standards

(a) *Relate development to its environment*

1. *Massing, Height and Scale*

The proposed grain silos will be similar in height to the existing manufacturing building, and will only occupy a small percentage of the building's front façade. **Affirmative finding.**

2. *Roofs and rooflines*

Not applicable.

3. *Building Openings*

The new building opening at the southeast corner of the existing building is appropriate to the intended function and overall design of the building. **Affirmative finding.**

(b) *Protection of Important Architectural Resources*

Not applicable.

(c) *Protection of Important Public Views*

Not applicable.

(d) *Provide an active and inviting street edge*

The grain silos will occupy only a small percentage of the building frontage. The silos are appropriate and consistent with overall development in the underlying E-LM zoning. **Affirmative finding.**

(e) *Quality of Materials;*

The proposed windows will be commercial grade, consistent with window types typically seen in commercial/industrial buildings. **Affirmative finding.**

(f) *Reduce energy utilization;*

All development is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(g) *Make Advertising features complementary to the site;*

Not applicable. No signage is proposed.

(h) *Integrate infrastructure into the building design;*

Not applicable.

(i) *Make spaces secure and safe.*

Development shall adhere to all applicable building and life safety code as defined by the building inspector and fire marshal. **Affirmative finding as conditioned.**

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. Vermont Commercial Building Energy Standards apply to this project. Compliance with the standards is the Owner's responsibility. For more information, see http://publicservice.vermont.gov/energy_efficiency.
3. Standard permit conditions 1-15.