

Department of Permitting & Inspections

Zoning Division
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TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: February 15, 2022
RE: ZP-21-853; 180 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: ELM Ward: 5S

Owner/Applicant: LJC Inc. CO LCT Company / Russell Fox

Request: After-the-fact tree removal.

Applicable Regulations:

Article 5 (Citywide General Regulations)

Background Information:

The applicant is seeking approval for after-the-fact tree removal. Approximately 12 trees (3"-16" in caliper) were removed, and the surrounding area was regraded for the parking area. No other development is proposed, and this application is reviewed under the Tree Removal standards of Article 5 of the Comprehensive Development Ordinance.

Previous zoning permit activity:

180 Flynn Avenue is a collection of commercial/industrial buildings. The following zoning history includes **all** buildings and uses on that parcel:

- Sketch Plan Review 21-20; sketch plan review for a new health club. November 2021.
- Zoning Permit 21-620; construct a new storefront entry. August 2021.
- Zoning Permit 21-0781CA; change of use to Food and Beverage Processing with related café and small retail space. No site or exterior building changes. March 2021.
- Zoning Permit 21-0646CA; change of use at former Vermont Hardware building; café and retail accessory to Citizen cider food and beverage processing facility. February 2021. Application withdrawn.
- Zoning Permit 21-0092CA; replace doors and windows. August 2020.
- Zoning Permit 19-0836CA; after the fact permit for a gravel parking/fill area. June 2019.
- Zoning Permit 19-0790SN; freestanding directory sign at complex entrance. April 2019.
- Zoning Permit 18-0468CA; modification to proposed work for ZP18-0210CA; withdrawing east addition to warehouse; adding two rooftop units, one chiller pad. November 2017.

- Zoning Permit 18-0210CA; Renovation to existing warehouse building, new addition, improvements to existing loading dock. Change of use from warehouse/showroom to warehouse/apple press (Food and Beverage Processing.) September 2017.
- Non-Applicability of Zoning Permit Requirements 16-0066NA; build 2 office rooms in warehouse area. July 2015.
- Zoning Permit 14-099CA; add entry stairs to front door of building one. **Denied** as incomplete, August 2014.
- Non-Applicability of Zoning Permit Requirements, 14-0653NA, showroom remodel. December 2013.
- Zoning Permit 13-1004CA; replace four doors with metal doors, replace six double window units with new vinyl windows, infill one window with siding, replace wood siding with vinyl on front gable end of building. All work to be on the Granite Group building. April 29, 2013.
- Zoning Permit 10-0674CU, Conditional Use review for establishing seasonal open air market. Approved April 2010.
- Zoning Permit 06-742CA; change of use from manufacturing and storage to auto parts sales, storage, boat service, office, machine shop, and manufacturing. Approved June 2006. Permit relinquished by owner July 2008. (Permit not exercised.)
- Zoning Permit 98-332; change of use from warehouse to office (no retail; create newsletters, newspaper, t-shirt designs, etc.) No exterior changes, including signage. Approved February 1998.
- Zoning Permit 00-224 / COA000-013A; extension of ZP00-162 to allow the installation of the temporary office trailer for a period not to exceed February 1, 2000 in support of the existing National Gardening offices within the existing commercial complex. October 1999.
- Zoning Permit 00-162 / COA 000-013 / MA2000-017; Installation of a temporary office trailer for National Gardening staff. To be located behind their existing facility in the industrial complex. September 1999.
- Zoning Permit 99-634 / COA 099-080; removal of wood siding on the tower portion of the existing VT Hardware Industrial/commercial structure, replacing with vinyl siding. Existing windows to be removed. August 1999.
- Zoning Permit 99-235; repairs to the existing skylight in the roof of VT Hardware. October 1998.
- Zoning Permit 97-502 / COA 094-054C; temporary (two year) establishment of an accessory theatre (172 seats) to the Magic Hat Brewery. Parking and circulation improvements. May 1997.
- Zoning Permit 96-405; construction of a fire escape; change of use from office to design manufacturing. April 1996.
- Zoning Permit 95-508 / COA 095-074; remove two existing storage sheds replacing with one retail/office building. Proposal includes paving parking area. Major Impact Review

95-050; 9,340 sf commercial building that includes a natural area of significance. Approved June 1995.

- Zoning Permit 95-419; installation of two freestanding signs at the entrance to the complex with business names; the other to direct to each building. Approved May 1995.
- Zoning Permit 95-198 / COA 094-054B; revise previously approved tour oriented beer manufacturing facility to retain the overhead connection with the adjacent building. November 1994.
- Zoning Permit 95-179 / COA 095-030A; change of use for 1075 sf space from industrial to a silk screen printing establishment. No exterior changes. October 1994.
- Zoning Permit 95-184 / COA 095-030; change of use from wholesale warehouse to offices and sign manufacturing. Exterior changes include adding an entrance on the first and second floors of the north elevation and infilling an existing garage style door with a pedestrian sized door on the east elevation. Restoration work to windows, brick included for the structure listed on the state list of historic buildings. October 1994.
- Zoning Permit 94-357; change of use from retail sale and storage to screen printing of t-shirts and storage. No exterior changes proposed. April 1994.
- Zoning Permit 95-167 / COA 094-054A; revise previously approved tour oriented beer manufacturing to smaller space with only production and tour operations offered. No food, entertainment or other uses included.) December 1993.
- Zoning Permit 94-254/ COA 094-054 / AP94-028; change of use from Vermont Hardware to tour oriented beer manufacturing with an entertainment and restaurant component. Window improvements and reconfiguration of the existing parking area. December 1993.
- Zoning Permit 91-196 / COA 91-037; addition of solarium to front entrance of building to add expanded entry area with plants. December 1990.
- Zoning Permit 87-078; place individual letters spelling the name of the company on the side of the building facing Flynn Avenue. (Capital Plumbing and Heating Supply Company.) March 1987.
- Zoning Permit 84-357 / COA 84-095; erect a 24' x 42' storage addition to the existing gardens for all buildings on Flynn Avenue and to construct a second story addition over the existing building for additional office space. July 1984.
- Zoning Permit 79-513; open "Chicken King" home delivery service; sit down breakfast and lunch. Sign to be installed on building. September 1979.
- Zoning Permit 78-43; secondhand products, retail/wholesale. Add 2'x4' sign. August 1978.
- Zoning Permit 77-24; 24' x 40' wood frame addition (storage) to present building. May 1977.
- Zoning Permit 7-297; Thomas Reid to erect a 24' x 40'7" wood frame building to be used for light manufacturing, furniture finishing, and the sale thereof. September 1976.
- Sign permit for the Hodge Podge, April 1977.

- Zoning permit; erect a 40' x 62' steel building on the lot to be used for an auto body shop. November 1976.
- Zoning Permit, 2' x 3' sign to be hung on the fence. August 1976.
- Zoning Permit; to erect a 60'x 200' pole barn and a 20' x 25' office area. October 1974. Requires Planning Commission approval.

Recommendation: Certificate of Appropriateness approval as per, and subject to, the following findings and conditions.

I. Findings

Article 5: Citywide General Regulations

Sec. 5.5.4, Tree Removal

(a) Review criteria for zoning permit requests for tree removal

(1) Grounds for approval

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be permitted for any of the following reasons:

A. Removal of dead, diseased, or infested trees;

(Not applicable)

B. Thinning of trees for the health of remaining trees according to recognized accepted forestry practices;

(Not applicable)

C. Removal of trees that are a danger to life or property; or,

(Not applicable)

D. As part of a development with an approved zoning permit.

The applicant notes that there was an old fence line with scrub trees that separated the old Booska Movers trailer parking area from the main north parking area that they removed. In addition, there were a few trees adjacent to the railroad track that caused concern to the railroad company. Up to 12 trees between 3"-16" caliper were removed, including their stumps and the gravel parking area was regraded and connected with the adjacent parking area. **(Affirmative finding)**

(2) Grounds for denial

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be denied if existing healthy trees are known to be:

A. Providing a significant privacy or aesthetic buffer or barrier between properties;

(Not applicable)

B. Providing stabilization on slopes vulnerable to erosion;

(Not applicable)

**C. Located within a riparian or littoral buffer;
(Not applicable)**

**D. Provide unique wildlife habitat;
(Not applicable)**

**E. A rare northern Vermont tree species as listed by the Vermont Natural Heritage Program; or,
(Not applicable)**

**F. A significant element or, or significantly enhances, an historic site.
(Not applicable)**

II. Conditions of Approval

1. Standard permit conditions 1-15.