

Department of Permitting & Inspections

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MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison
DATE: March 4, 2020
RE: 20-0674CU; 50 Lakeside 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/Representative: Lakeside Ovens, LLC / LandPlan (John Caulo)

Request: Conversion of 1,370 sf of mixed use (office & assembly) space within an 80K+ sf facility to a trade school use. No change in lot coverage, building exterior and/or parking.

Applicable Regulations:

Article 3 (Applications, Permits and Project Reviews), Article 4 (Zoning Maps & Districts), Article 8 (Parking)

Background Information:

The applicant is seeking conditional use approval to change the use of 1,370 sf of office and assembly space to a trade school use. No changes to lot coverage or to the exterior of the building are proposed. Approval was granted in November, 2018 for renovations to the site and existing buildings to accommodate new assembly, office and seasonal recreational uses (ZP19-0202CA/MA). The subject 80K+ sf building, which fronts Lakeside Avenue, was part of that approval.

Previous zoning actions for this property are noted below.

- **Zoning Permit**; construct block wall to enclose loading platform, install 3 dock levelers, and erect one office. Approved December 8, 1977.
- **Zoning Permit**; erect two picnic shelters. Approved November 11, 1977.
- **Zoning Permit 93-087**; new windows and entry with walkway and ramp. Approved August 26, 1992.
- **Zoning Permit 95-128**; new windows. Approved September 20, 1994.
- **Zoning Permit 96-283**; installation of a seasonal dock for recreational use of employees. Approved January 11, 1996.
- **Zoning Permit 99-250**; new loading dock and associated driveway expansion. Approved November 12, 1998.
- **Zoning Permit 02-335**; new concrete pad for nitrogen tank with surrounding chain link fence and lighting. Approved February 27, 2002.

- **Zoning Permit 05-171CU**; change use from office space to manufacturing space. Approved October 25, 2004.
- **Zoning Permit 06-379CA**; fit up for Coffee Enterprises, new steel egress door. Approved December 7, 2005.
- **Zoning Permit 06-489CA**; replacement windows, new balcony and door. Approved February 3, 2006.
- **Zoning Permit 09-197CA**; replacement nitrogen tank. Approved September 9, 2008.
- **Zoning Permit 10-0144CA**; construct addition to link two existing buildings together. Approved September 1, 2009.
- **Zoning Permit 13-0682CA**; install new gas piping, and four new roof mounted exhaust fans. Approved January 16, 2013.
- **Zoning Permit 17-0315CA**; convert interior commercial space to office space. Approved September 20, 2016.
- **Zoning Permit 18-0232CA**; three new storage outbuildings. Approved September 8, 2017.
- **Zoning Permit 18-0865CA**; one new storage structure, new pavilion and wooden gate, establish boat rental use. Approved May 8, 2018.
- **Zoning Permit 18-1200CA**; replacement windows. Approved July 2, 2018.
- **Zoning Permit 19-0011CA**; new windows, exterior entry doors and roof; demolish existing loading dock. Approved July 23, 2018.
- **Zoning Permit 19-0202CA/MA**; renovate buildings for assembly, office, and seasonal recreational use; rework parking and circulation. Approved November 14, 2018.
- **Zoning Permit Not-Applicable 19-0492NA**; rooftop solar. Approved December 21, 2018.
- **Zoning Permit Not-Applicable 19-0493NA**; rooftop solar. Approved December 21, 2018.

Recommendation: Consent Approval as per, and subject to, the findings and conditions below:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (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 property is served by municipal utilities, and there is an onsite septic system that served the oven factory. Sufficient water and sewer services are available. A State of Vermont wastewater permit may be required for the new use and it will be the applicant's responsibility to obtain if needed. **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 subject property is located within the Enterprise – Light Manufacturing zone. While this zone is intended primarily for manufacturing, distribution, processing and the like, it allows for many

other commercial uses, including trade schools. The proposed change of use is consistent with the intent of the E-LM zone. **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;*

The proposed trade school use is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with heavy industry. **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;*

A traffic analysis was provided for the 2018 zoning permit (19-0202CA/MA) for the changes to the site and the uses of the property which met the satisfaction of the Dept. of Public Works. The proposed change of use is not anticipated to create much, if any, change to the traffic demand than what was accepted for the previously approved office use located within the space. **Affirmative finding**

- 5. The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the project design. **Affirmative finding**

and,

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

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 change of use will not likely generate offsite noise or glare substantial enough to require mitigation. **Affirmative finding**

- 2. Time limits for construction.*

No construction timeline or phasing is included in the project plans. The standard 3-year timeframe for zoning permits will apply. **Affirmative finding**

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

The applicant indicates that the trade school will operate between the hours of 8am thru 9pm, Monday-Friday. While all construction associated with the trade school space will be indoors, no

construction times have been identified. Typical construction hours are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday. **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; and,

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. **Affirmative finding**

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.

See the recommended conditions.

Article 4: Zoning Maps and Districts

Sec. 4.4.3, Enterprise Districts:

(a) Purpose

(1) Light Manufacturing (E-LM)

The subject property is located in the E-LM zone which is intended as the primary commercial/industrial center of Burlington. The proposed trade school is consistent with the variety of commercial uses allowed in this zone. **Affirmative finding**

(b) Dimensional Standards & Density

Building FAR, lot coverage, building setbacks and height, all remain unchanged. **Affirmative finding**

(c) Permitted & Conditional Uses

School – Trade or Professional is a conditional use in the E-LM zone. **Affirmative finding**

Article 8: Parking

Table 8.1.8-1 Minimum Off-Street Parking Requirements

The proposal ultimately changes 1,370 sf of approved office space to a trade school use. In the Shared Use Parking District, office uses require 2 spaces per 1,000 sf of gross floor area, and trade/professional schools require 3 spaces per 1,000 sf of gross floor area. As a result of this proposal, the particular parking space count increases from 3 to 4.

As required under ZP19-0202CA/MA, the minimum parking requirement for the overall site totaled 286 spaces. 381 parking spaces are being provided as part of that site renovation, 95 spaces above and beyond the minimum amount required. The 1 additional parking space, as required by this change of use proposal, will be satisfied. **Affirmative finding**

II. Conditions of Approval

1. Construction hours shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.
2. All exterior signage is subject to separate zoning approval.
3. A state wastewater permit may be required, and if so, it is the responsibility of the applicant to secure.

4. Any additional physical alteration or change of use will require review and approval under regulations in effect at that time.
5. 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.
6. Standard permit conditions 1-15.