

Department of Permitting & Inspections

Zoning Division
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TO: Development Review Board
FROM: Scott Gustin
DATE: August 17, 2021
RE: ZP-21-514; 489 Main Street
ZP-21-515; 184-194 South Prospect Street

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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: I Ward: 6S

Owner/Applicant: University of Vermont

Request: Landscaping, hardscaping, and stormwater modifications; parking reconfiguration; and demolition of two buildings.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing)

Background Information:

The applicant is seeking approval for a variety of landscaping and hardscaping improvements associated with reconfigured parking and pedestrian circulation. Associated building demolition – a barn behind Pomeroy Hall and a detached, vacant residence behind Wadhams House – is also proposed along with associated stormwater enhancements.

The walkway arch that is presently on university property may be relocated onto the adjacent city property. If that occurs, separate zoning approval will be required for that property. Alternatively, the arch would remain on university property. Some walkways that extend onto the adjacent city property will be resurfaced but do not require zoning approval.

The proposed work spans two properties and, therefore, includes two applications. It is reviewed collectively as one project. Located on the property of an educational institution, 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 permit activity:
489 Main Street

- 2/14/20, Approval to demolish small building and pave two new parking spaces

- 10/24/96, Approval for restoration of Pomeroy Hall
184-194 South Prospect Street
- 7/21/21, Approval of 3-lot merger into one lot
- 6/12/14, Approval of parking lot and site improvements
- 7/18/03, Approval of renovations to carriage house

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

I. Findings

Article 2: Administrative Mechanisms

Sec. 2.7.8, Withhold Permit:

This criterion requires, in part, that all prior zoning permits lacking their required certificates of occupancy be closed out prior to issuance of a certificate of occupancy for a new zoning permit. In this case, 489 Main Street has an open zoning permit (97-190) from October 24, 1996 for renovations to Pomeroy Hall. 184-194 South Prospect Street has an open zoning permit (04-041) from July 18, 2003 for renovations to a carriage house. Both of these zoning permits must be closed out prior to closing out this new permit. **(Affirmative finding as conditioned)**

Sec. 4.4.4, Institutional District:

(a) Purpose

The Institutional zone is intended primarily to support the city's major educational and health care institutions. In addition, the district is intended to support a broad range of related uses reflecting the resident institutions' roles as regional educational, health care, cultural, and research centers. The proposed work is related to admissions improvements at the university and is consistent with the intent of the district. **(Affirmative finding)**

(b) Dimensional Standards & Density

The only dimensional standards affected by the proposed work pertain to lot coverage and setbacks. Lot coverage at 489 Main Street will decrease to 64.64% from an existing 75.75%. This lot coverage is nonconforming (i.e. too much), but the degree of nonconformity will be lessened. Lot coverage at 184-194 South Prospect Street will increase slightly to 33.71% from an existing 32.41%. This lot coverage remains below the 40% permissible limit.

Setbacks are generally compliant or not applicable. Walkways are allowed to encroach into setbacks and do so in this proposal. Reconfigured parking areas adhere to 5' minimum side and rear yard setbacks. The only problematic setback encroachment that is evident is new hardscaping where the Pomeroy barn will be demolished. The barn sits in the side yard setback, and that nonconforming footprint may be retained. It appears; however, that the new hardscaping will expand the degree of nonconformity within the required 5' side yard setback. Except for walkways, any new hardscaping that expands beyond the footprint of the barn must observe a minimum 5' side yard setback. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

No change to the existing institutional use is proposed. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.4.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.4.

Sec. 5.2.6, Building Height Limits

Not applicable.

Sec. 5.2.7, Density and Intensity of Development Calculations

Not applicable.

Sec. 5.4.8, Historic Buildings and Sites

489 Main Street (Pomeroy Hall) is included in the National Register of Historic Places. By association, the barn appears to be historically significant as well. 172 South Prospect Street is included in the Vermont Historic Sites & Structures Survey. Both buildings are to be demolished. The applicant is working with the Vermont Division for Historic Preservation as to meeting state standards for demolition. As an educational institution, Sec. 5.4.8 does not fit within the limited zoning jurisdiction applicable to this application. **(Not applicable)**

Sec. 5.5.1, Nuisance Regulations

Nothing in this proposal appears to have any bearing on the city's nuisance regulations. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

New outdoor lighting will consist of pole lamps to illuminate the walkways and the reconfigured parking. Walkway lighting levels are slightly too high along the pavilion south walkway (0.55 footcandles) and along the connecting walkway (0.59 footcandles). The average illumination level must be at or below 0.5 footcandle. Other walkway lighting levels are acceptable. No walkway fixture specification is evident in the project plans and must be provided. The parking lot illumination levels are acceptable, as is the proposed light fixture. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

The proposed work requires an erosion prevention and sediment control (EPSC) plan for implementation during construction. Such plan has been provided and approved by the city's stormwater program staff. The post-construction stormwater management system also requires review and approval by the stormwater program staff. System details have been provided and are under review. **(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

(a) Protection of important natural features

The project area contains no important natural features as identified in the Open Space Protection Plan. Some trees will be removed, although substantial new green space and additional trees are proposed. **(Affirmative finding)**

(b) Topographical alterations

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of important public views

Not applicable per 24 VSA, Sec. 4413.

(d) Protection of important cultural resources

Not applicable per 24 VSA, Sec. 4413.

(e) Supporting the use of alternative energy

Not applicable per 24 VSA, Sec. 4413.

(f) Brownfield sites

Not applicable per 24 VSA, Sec. 4413.

(g) Provide for nature's events

See Sec. 5.5.3.

(h) Building location and orientation

Not applicable per 24 VSA, Sec. 4413.

(i) Vehicular access

Not applicable per 24 VSA, Sec. 4413.

(j) Pedestrian access

Not applicable per 24 VSA, Sec. 4413.

(k) Accessibility for the handicapped

Not applicable per 24 VSA, Sec. 4413. Applicable accessibility requirements under the City's building code continue to apply.

(l) Parking and circulation

Reconfigured parking spaces and circulation aisles appear to be dimensionally compliant. New parking where the residence is removed contains 2 ADA spaces with close access to nearby buildings. Several pedestrian walkways access the parking areas for circulation throughout the site. **(Affirmative finding)**

(m) Landscaping, fences, and retaining walls

Amongst the reconfigured parking areas and new walkways, there is additional new green space as reflected in the proposed lot coverage reduction. Extensive new plantings in the form of trees (shade and flowering), shrubs, and perennials are proposed. Plantings will be used to accentuate building entries, enhance the pedestrian walkways, and shade the reconfigured parking.

(Affirmative finding)

(n) *Public plazas and open space*

(Not applicable) No public plaza or open space is included or required in this proposal.

(o) *Outdoor lighting*

See Sec. 5.5.2.

(p) *Integrate infrastructure into the design*

(Not applicable)

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(Not applicable)

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

As an institutional property, parking is handled via the Joint Institutional Parking Management Plan. The most recently approved JIPMP includes this project; however, it anticipates a net increase of 15 parking spaces. The removal of the residence and barn results in a lessened parking requirement, so there is no immediate need for additional spaces. The project includes a net reduction of 3 parking spaces. This reduction must be accounted for in the annual update to the current JIPMP. **(Affirmative finding as conditioned)**

Article 9: Inclusionary and Replacement Housing

Sec. 9.2.2, Applicability

But for ownership by an educational institution, demolition of the residence at 172 South Prospect Street would trigger housing replacement. Significantly, however, VSA 24, Sec. 4413, *Limitations on Municipal Bylaws*, (a) precludes applicability of this standard. **(Not applicable)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, the following items must be provided, subject to staff review and approval:
 - a. Revised site plan depicting compliant setbacks for all hardscape items; and,
 - b. Revised walkway lighting levels compliant with 0.5 footcandle average and fixture specification sheet;
2. **Prior to release of the zoning permit**, the post-construction stormwater management plan shall be reviewed and approved by city stormwater program staff.
3. Per **Section 2.7.8, Withhold Permit**, all zoning permits issued after July 13, 1989 must be closed out (issued a Certificate of Occupancy) prior to issuance of a Final Certificate of Occupancy for this permit. Upon expiration of this new zoning permit, no additional zoning permits may be issued until it, and all prior zoning permits, have been closed out with final certificate(s) of occupancy. It is recommended that certificates of occupancy for the old zoning permits be sought prior to seeking a certificate of occupancy for the new zoning permit.
4. The net reduction of 3 parking spaces shall be incorporated into the annual update of the current Joint Institutional Parking Management Plan.

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.