

## Department of Permitting & Inspections

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**TO:** Development Review Board  
**FROM:** Ryan Morrison, Associate Planner  
**DATE:** September 1, 2020  
**RE:** 21-0026PD; 110 Mansfield Ave

=====  
**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: Institutional (I)            Ward: 1E

Owner: CSC McAuley LLC

**Request:** Amend PUD 99-350 to convert office area within an existing building into an additional dwelling unit.

### **Applicable Regulations:**

Article 2 (Administrative Mechanisms), Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps & Districts), Article 8 (Parking), Article 11 (Planned Development)

### **Background Information:**

The applicant proposes to convert office space within an existing building that currently contains 7 residential units to an additional dwelling unit. The subject structure is part of a PUD development that was finalized in 1999 which included subdivision of a parcel from Sisters of Mercy/Mater Christi and constructing 92 residential units. An as-built to that approval brought the residential unit count down to 74, which is what exists today. The proposal to convert a manager's office to a residential unit brings the total to 75 residential units.

In the Institutional District, multi-family uses are a conditional use. However, because the property was approved as a PUD for multi-family use, an amendment to the PUD is required, not a conditional use.

Previous zoning actions for this property are noted below.

- **Zoning Permit 98-518;** preliminary plat to construct 92 residential units in separate structures and to subdivide a parcel off from the Sisters of Mercy parcel. May 1998.
- **Zoning Permit 99-350;** final plat approval to construct 92 residential units in separate structures and to subdivide a parcel off from the Sisters of Mercy parcel. March 1999.
- **Zoning Permit 00-145;** installation of a non-illuminated freestanding sign for the facility. September 1999.
- **Zoning Permit 02-200;** new fencing. October 2001.
- **Zoning Permit 02-505;** amend the site plan of the approved Planned Unit Development to restripe parking along the access road. April 2002.
- **Zoning Permit 03-478;** install a play area with swings and a slide. May 2003.

- **Non-Applicability of Zoning Permit Requirement 05-554NA**; replace existing ramp with an ADA compliant ramp. April 2005.
- **Zoning Permit 05-555CA**; remove and replace ramp with ADA compliant ramp and sidewalk, relocate exterior door, and add roof to protect entryway. April 2005.
- **Zoning Permit 06-100SN**; install new freestanding sign. August 2005.
- **Non-Applicability of Zoning Permit Requirement 11-0715NA**; remove existing stair enclosure, repair/replace foundation, reinforce stair structure, provide additional handrails, and construct new exterior walls. April 2011.
- **Non-Applicability of Zoning Permit Requirement 15-0825NA**; replace sections of slate roof with asphalt shingles. February 2015.
- **Zoning Permit 17-0090CA**; install a gazebo. July 2016.
- **Zoning Permit 20-0401CA**; relocate playground area, new pathway connecting playground to existing sidewalk. October 2019.

**Recommendation:** **Planned Unit Development Amendment Approval** as per the following findings:

## **I. Findings**

### **Article 2: Administrative Mechanisms**

#### **Part 7, Enforcement:**

##### **Section 2.7.8 Withhold Permit**

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. There have been no violation notices placed on the property. There are, however, several zoning permits that have not been closed out. **Affirmative finding as conditioned**

### **Article 3: Applications, Permits, and Project Reviews**

#### **Part 3: Impact Fees**

##### **Section 3.3.8 Time and Place of Payment**

###### **(b) Existing Buildings**

*Impact fees must be paid prior to issuance of a zoning permit, or if a building permit is required, within thirty (30) days of issuance of the building permit.*

Impact fees shall apply. The fees will be based on the square footage of the converted unit.

**Affirmative finding as conditioned.**

### **Article 4: Zoning Maps & Districts**

#### **Sec. 4.4.4 Institutional District**

##### **(a) Purpose**

*The Institutional District (I) as illustrated in Map 4.4.4-1 allows for an increased development scale and intensity than would typically be found in the adjacent residential districts to support continued growth and flexibility of the city's major educational and health care institutions within their respective institutional missions. New development is intended to be sensitive the historic development pattern of the existing campuses as well as the surrounding residential neighborhoods.*

*The district is intended to support broad range of related uses reflecting the resident institution's role as regional educational, health care, cultural and research centers. Buildings should be designed with a high level of architectural detailing to provide visual interest and create*

*enjoyable, human-scale spaces. Sensitive transitions between adjacent lower scale residential areas and larger scale institutional development should be provided. Sites should be designed to be pedestrian friendly and encourage walking between buildings. Where parking is provided onsite, it is intended to be hidden behind, to the side, within, or underneath structures*

The property is in the Institutional district where multi-family uses are conditionally allowed. The property has been developed as a Planned Unit Development (PUD) with 74 residential units. Typically, a new conditional use would be required, however, because of the PUD use, a new conditional use permit is not required, but rather an amendment to the PUD itself. **Affirmative finding**

**(b) Dimensional Standards & Density**

Because of the PUD status, dimensional requirements apply to the property as a whole, not as individual parcels. There are no site changes, so setbacks and lot coverage is not an issue. The maximum density requirement of this zone is 20 units per acre – which results in 2,178 sf of lot area needed per unit. 2,178 x 75 units totals 163,350 sf of lot area required. The property is 265,280 sf in size. **Affirmative finding**

**(c) Permitted & Conditional Uses**

Attached Dwellings – Multi-Family (3 or more) are conditional uses within the Institutional Zoning District, and normally a conditional use permit would be required to add an additional unit. However, because the development was approved as a PUD, it is a PUD amendment that is required, not a new conditional use permit. **Affirmative finding**

**Article 8: Parking**

**Table 8.1.8-1 Minimum Off-Street Parking Requirements**

The property is in the Shared Use Parking District, which requires 1 parking space per multi-family dwelling unit. General office uses require 2 parking spaces per 1,000 sf of floor area. Since the 477 sf (approx.) office space requires 1 parking space, the proposed conversion to a residential unit creates no additional parking space requirement. The site plan identifies 71 parking spaces. But as noted before, the new residential unit can utilize the one space parking credit for the existing office space – thus no additional parking space is required. **Affirmative finding.**

**Article 11: Planned Development**

**Part 1 – Planned Unit Development**

**Sec. 11.1.4 Modification of Regulations**

*With the approval of the DRB after a public hearing, the following modifications of the requirements of the underlying zoning may be altered within a planned unit development:*

- *density, frontage, lot coverage, and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis;*
- *required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;*
- *more than one principal use and more than one principal structure may be permitted on a single lot; and*
- *buildings may be of varied types including single detached, attached, duplex or apartment construction.*

As noted above, the density will increase minimally with the addition of another dwelling unit. However, the existing density is well below the maximum allowance, and therefore adding another

unit will not create any issue with regard to the overall density. No other changes to the PUD are proposed. **Affirmative finding**

## **II. Conditions of Approval**

1. 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. See attached permit list. 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.
2. **Prior to the release of the zoning permit**, the applicant shall secure a letter of adequate capacity from DPW for water and sewer services.
3. Within **30 days of issuance of the building permit**, the applicant shall pay to the Permitting and Inspections Department the impact fee as calculated by staff based on the net square footage of the new residential unit.
4. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
5. All new construction shall 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.
6. 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.
7. Vermont Residential Building Energy Standards apply to this project. Compliance with the standards is the Owner's responsibility. Prior to requesting a Certificate of Occupancy, a copy of a completed Vermont Residential Building Energy Standards Certificate shall be submitted with a Certificate of Occupancy (final or temporary) request, and filed in the Land Records located at the Clerk/Treasurers office in City Hall (149 Church Street). For more information, see [http://publicservice.vermont.gov/topics/energy\\_efficiency](http://publicservice.vermont.gov/topics/energy_efficiency).
8. Standard permit conditions 1-15.