

MEMORANDUM

TO: Mary O'Neil, Senior Planner, Development Review, City of Burlington Department of Planning & Zoning

FROM: Frank von Turkovich, for the Miller – von Turkovich Partnership

RE: Colchester Avenue Development Project

DATE: 10-27-2015

Project Overview

Proposed development will consist of a new, three story building containing 79 residential rental apartment units. The site is located on Colchester Avenue, directly across from the entrance to the UVM Medical Center access drive.

The land assemblage consists of five adjoining properties: 72 Colchester Ave., 80 Colchester Ave., 94 Colchester Ave., 27 Fletcher Place and land pertaining to 49 Fletcher Place. The combined acreage of the five parcels is 3.62 acres. In addition, the properties located at 66 Colchester Ave. (Miller dental office) and 96 Colchester Ave. (medical offices) shall be subjected to cross easements to permit the development of common parking facilities and, also, to allow those properties to have access to the traffic light controlled driveway intersection, located on the 80 and 94 Colchester Ave. parcels.

All of the primary structures located on the assembled parcels will remain in place, with certain physical improvements and upgrades. The proposed new building and associated site improvements would be located behind the existing structures.

The new building will be a three-story structure containing 79 apartment units. Underground parking will be provided underneath the new building via a driveway located along the westernmost property line.

All vehicular traffic will access the property via the existing signalized traffic intersection located on Colchester Avenue. Separate dedicated pedestrian access will be provided, primarily at a walkway between the buildings located at 72 and 80 Colchester Ave.

Status of Involved Properties

72 Colchester Ave. Currently, a single family house, but may be converted to a duplex, containing two separate apartment units.

80 Colchester Ave. Currently occupied by the UVM Hillel organization. Two units of residential density have been allocated to this structure under the current application.

94 Colchester Ave. Currently occupied as medical office space. Two units of residential density have been allocated to this structure under the current application.

27 Fletcher Place. Currently occupied as a single family residence. Application for conversion to a duplex was granted by the Burlington DRB but is presently under appeal to the Environmental Court. Two units of residential density have been allocated to this structure under the current application.

Planned Unit Development

We intend to pursue City of Burlington permit as a Planned Unit Development ("PUD") pursuant to the Comprehensive Development Ordinance Article 11.

The project will meet the PUD code section by: (a) promoting the most appropriate use of land through flexibility of design and development, (b) facilitating the adequate and economical provision of streets and utilities, (c) preserving natural and scenic qualities of open space, (d) providing for a variety of housing types, (e) providing a method of development for existing parcels [e.g., 94 Colchester Ave.] which because of physical, topographical or geological conditions could not otherwise be developed, and (f) achieving a high level of design quality and amenities.

Question for Mary O'Neil: in section 11.1.3 (Major and Minor Planned Unit Development), the code differentiates between a Major and a Minor PUD. Since our proposed development apparently satisfies the conditions set forth in (a), "development consisting of five or more units in a single structure, prompting the requirements of Article 9 Inclusionary and Replacement Housing." does this mean the project should be reviewed as a "Minor" PUD? Does that make any difference?

Dimensional Requirements

Section 11.1.5 of the code (Modification of Regulations) permits the alteration of density, frontage and setback regulations. The applicant is not seeking any modification to the district's density limitations, but will ask for permission to have the project be subject to the provisions

of 11.1.6 (b) which requires that the "The minimum setback requirements for the district shall apply to the periphery of the project[.]" Referring to Appendix B (Dimensional Standards-All Zoning Districts), the code requires a minimum side yard setback of 5 feet in the Institutional District.

Non Conformities

The building located at 72 Colchester Ave. is presently non conforming to current Ordinance dimensional requirements. The building is actually situated over the western boundary line of its lot. No enlargement of the existing building is proposed as part of the development. Article 5 (Part 3: Non-Conformities) controls the continuation of nonconforming uses. Section 5.3.3 (Continuation) states that "any nonconformity which lawfully existed at the time of passage of the applicable provisions of this or any prior ordinance or any amendment thereto may be continued subject to the provisions of this Part." Due to the age of the structure located at 72 Colchester Ave. (constructed circa 1890?), applicant believes that the ordinance would allow the structure to remain in place undisturbed as part of the project despite its nonconformance with current setback requirements, including the minimum setback requirements set forth above.