

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188
(802) 865-7195 (FAX)

David E. White, AICP, Director
Meagan Tuttle, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: February 2, 2016
RE: ZP16-0730CU, 1 Mill Street

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.

File: ZP16-0730CU

Location: 1 Mill Street

Zone: NMU **Ward:** 1E

Date application accepted: December 21, 2015

Applicant/ Owner: Catamount Holding Co. (Redstone)

Request: Change of use for approx.. 8000 sf: Warehouse, lab and office to primary / secondary school. (OnTop Alternative Program.)

Background:

- **Zoning Permit 13-0580CA**, replace existing loading dock with new covered entry adding landscaping, h/c ramp, mailboxes, barrier rails. Replace siding on mill tower. Replace back bulkhead entry cover. December 2012.
- **Zoning Permit 12-0758AW**; place four by eight canopy over existing river side entrance. Under canopy illumination. No signage included. February 2012.
- **Zoning Permit 11-0944CA**; change of use from office to café, 350 square feet on first floor. No site or exterior building changes proposed. November, 2011.
- **Zoning Permit 10-0779CA**; replace existing loading dock with new covered entry. Replace existing h/c ramp, add landscaped area, define parking, install curbing. April 2010; permit expired.
- **Zoning Permit 09-738CA**; change of use from office space to place of worship. May 2009.
- **Zoning Permit 09-151CA**; partial demolition, exterior repairs, lightning protection to chimney. September 2008.
- **Zoning Permit 08-247SN**; replace existing nonconforming parallel sign with new nonconforming parallel sign. November 2007.
- **Zoning Permit 92-267**; establishment of existing twenty seat restaurant. No exterior changes or signage proposed. April 1992.

- **Zoning Permit 81-364;** Sell, repair and fabricate jewelry in 350 sq. ft. March 1981.
- **Zoning Permit 79-38?;** Change use of Chace Mill to retail sales hardware, household supplies, building supplies. Approx. 13,000 sq. ft. Install fence enclosure. July 1979.

Overview: The application is to Change use in areas permitted for three discrete uses: Warehouse, research lab and office to school. The overall area is 8004 sq. ft. The school facilities propose to serve grades 6-12, as part of an alternative educational program within the Burlington school system. Due to the parameters of grades served, use is broken down by “School-Primary” and “School-Secondary”. Student numbers is slated at 27, staffing will be 16. Hours of operation for classes are Monday through Friday, 8:30 am to 2:10 pm.

Recommendation: Consent approval under Conditional Use review, per the following findings and conditions:

I. Findings

Appendix A – Use Table

School-Primary and *School – Secondary* are Conditional Uses in the NMU Zoning District. See Section 3.5.6, below.

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

Schools would fall into the same category as “Offices and Other” within the Impact Fee schedule (as would warehouse, office and research lab), so no Impact Fees would be assessed for the change of use.

Not applicable.

Part 4: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards (as adopted by City Council 8.10.2015)

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.

This is an established, developed site with service infrastructure. No negative impact is anticipated with the proposed change of use. **Affirmative finding.**

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;

As a Neighborhood Mixed Use District, the character of the area reflects the diverse fabric of contrasting and interdependent uses. From the Municipal Development Plan:

- *The City of Burlington will make the most effective and efficient use of existing services, buildings, utilities and facilities before adding new capacity or initiating new construction. (MDP, Community Facilities and Services Plan, Page VII-2.)*
 - *Support sustainable development activities in target areas of the city including the Enterprise Community, Neighborhood Activity Centers, the Pine Street Corridor, Downtwon and the Downtown Waterfront. (Economic Development Plan, Page VI-2.)*
 - *Partnerships are crucial to the execution of this [Municipal Development] Plan. Whether joint development projects, transportation management associations or merchant sponsored transportation programs, partnerships offer flexibility and additional resources to the pursuit of city goals. (Transportaion System Plan, Page V-21.)*
 - *Each neighborhood school must be connected to adjacent neighborhoods by a network of sidewalks, bicycle and pedestrian paths, and foot trails to provide safe and convenient access for school children. (Transportation System Plan, Page V-18.)*
- 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;*

This is a vibrant, energetic zoning district with a diversity of uses. Introduction of a small scale (4-5 classroom) alternative school should complement and integrate well with the existing uses. **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; connectivitiy; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation, safety for all modes; and adequate transportation demand management strategies;*

Students are proposed to be transported via City bus, 2 yellow schoolbuses, taxi, or limited personal (parental) vehicle. The building is linked to the existing street network with its complement of roads, sidewalks, paths, bikelanes and public transit routes. **Affirmative finding.**

and

5. *The utilization of renewable energy resources;*

As a change of use request, this standard is not applicable.

and

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

Requirements relative to other standards will be conditions of approval. **Affirmative finding 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 impost 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;*
As a change of use with no further development proposed, mitigation or screening is not applicable to the request.
 2. *Time limits for construction.*
Not applicable.
 3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*
Classes are proposed to be conducted from 8:30 a.m. to 2:10 p.m. Staff will arrive approximately 7:30 a.m. The proposed hours of operation are not contrary to a typical work day, and therefore will not introduce negative impacts to the surrounding properties and uses. **Affirmative finding.**
 4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*
Expansion of a Conditional Use will require review under the standards in effect at that time. **Affirmative finding as conditioned.**
- and*
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.*
This is at the discretion of the Board.

Article 4: Zoning Maps and Districts

Section 4.4.2

(a) Purpose: The Neighborhood Mixed Use districts promote development that combines non-residential and residential uses on a single site. These zones allow an increased intensity of development that would typically be found in the surrounding residential areas, and provides neighborhood oriented goods and services and employment opportunities within walking distance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new commercial and residential opportunities in the City.

2. The Neighborhood Mixed Use district is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods.

The proposed small-scale educational use would provide services for area school children in need of specialized and individualized educational plans; employment opportunities would be delivered by the staff of 16. In this manner, the change of use is consistent with the purpose of the zoning district. **Affirmative finding.**

(b) Dimensional Standards and Density

This is an existing, developed site. Not applicable.

(c) Permitted and Conditional uses
School – Primary and School – Secondary are Conditional Uses in the NMU zoning district. See Section 3.5.6, above.

- (d) District Specific Regulations*
- 1. Ground floor residential uses restricted*
Not applicable.
 - 2. Exception to maximum lot coverage in NAC.*
Not applicable.
 - 3. Development Bonuses/Additional Allowances*
Not applicable.

Article 5: Citywide General Regulations

Part 1: Uses and Structures

d) Conditional Uses

Such uses may be permitted by the DRB only after review under the conditional use provisions provided in Article 3, Part 5, such further restrictions as the DRB may establish and such additional requirements as intensity limitations, performance and design standards, and parking requirements.

See Section 3.5.6 and Article 8.

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

No identifiable conflicts or introduction of nuisance are associated with the proposed change of use. **Affirmative finding.**

Article 7: Signs

No signs are included within this project review. Any signs will require separate permitting. **Affirmative finding as conditioned.**

Article 8: Parking

Parking requirement per Table 8.1.8-1 for the proposed use(s) are as follows:

School – Primary: 1.5 parking spaces per classroom

School – Secondary: 2 parking spaces per classroom

5 classrooms are proposed; 1 classroom for middle school students (primary) and 3 classrooms for 9-12 students (secondary). A fifth classroom has been proposed for rotation of teaching material (English, math, science, social studies, careers.)

$1 \times 1.5 = 2$; $3 \times 5 = 15$ for a total parking requirement of **17 parking spaces.**

The current uses have the following parking requirements:

Warehouse (3127 sf.) .35 parking spaces per 1,000 sf; total 3 parking spaces.

Research Lab (734 sf.) 2 parking spaces per 1,000 sf; 1 parking space.

Office (4143 sf.) 2 per 1,000 sf, total 8 parking spaces for a total of **12 parking spaces** for existing uses.

The applicant has provided a parking assignment plan, noting that there are 191 parking spaces on-site, with 171 assigned to uses. The additional 5 parking spaces required for the school use can be accommodated on site, particularly within this 20 space surplus.

It is notable that transportation for the students will be accommodated by alternative methods, from public bus, school bus, cab and personal vehicle when necessary.

Affirmative finding.

II. Conditions of Approval

1. Any signs will require separate permit review.
2. Any future enlargement or alteration of the use will require return for review to the DRB to permit the specifying of new conditions.
3. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.