

Department of Planning and Zoning

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Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk



TO: Conservation Board
FROM: Meagan Tuttle
DATE: July 5, 2016
RE: NAC-Riverside/RCO-Conservation Boundary on Riverside Avenue

The Planning Commission has received a request to reconsider the location of the Neighborhood Activity Center- Riverside and RCO-Conservation boundary along the northern side of Riverside Avenue. The Commission has received the enclosed recommendation from Planning Staff in response to the request.

The property owners who have initiated this request assert that there is more developable land on some of these properties than the staff recommendation provides for, particularly on those properties immediately to the east of the City's wastewater treatment plant. The City's developable land definition, which does not currently apply to the NAC-R district, but which staff proposes be included in this amendment, is outlined in the attached memo to the Planning Commission.

The Commission desires a solution that can be applied uniformly along the corridor, that upholds the purposes of the NAC-R and RCO-C zoning districts, and which considers the area's topography. Commissioners have asked staff to provide additional information which will help in their analysis of this request. Staff requests that the Conservation Board review the attached staff recommendation, and provide any comments or alternatives that it believes should be offered to the Planning Commission to assist in their discussion of this request.

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TO: Planning Commission
FROM: Meagan Tuttle
DATE: May 24, 2016
RE: Rezoning request for 189-191, 199-215, 237-241, and 245 Riverside Avenue

In April 2015, the Planning Commission received a request from Mark Furnari, on behalf of the four property owners for the Riverside Avenue properties mentioned above, to restore the original General Commercial zoning to these parcels. Mr. Furnari asserts that the change from General Commercial to NAC- Riverside/ RCO- Conservation has restricted development to only the first 75 feet of these properties, when up to 150 feet could be reasonably developed, and has reduced potential residential density from 25-30 units/acre to 10-12 units/acre.

Parcels & Zoning district purpose

A map of these parcels is attached to this memo outlining the current zoning boundaries, overlays and other conditions which impact the properties.

Property	Current Zoning	Other Restrictions	Development on Site Today?
189-191 Riverside	RCO	Nearly all of property within NR Overlay	Yes- within first ~100 feet from property line
193 Riverside (not part of requested change)	RCO & NAC-Riverside	Except southwest corner, property in NR Overlay	Yes- within first ~85 feet from property line
199-215 Riverside	RCO & NAC-Riverside	All but first ~65 feet from property line in NR Overlay	Yes- within first ~100 feet from property line
237-241 Riverside	RCO & NAC-Riverside	Roughly $\frac{3}{4}$ of property in NR Overlay	Yes- within first ~75 feet from property line
245 Riverside	RCO & NAC-Riverside	Roughly $\frac{3}{4}$ of property in NR Overlay	No

NAC-Riverside: Purpose is to allow commercial development already predominantly built along this transportation corridor, but to encourage emerging mixed-use development and walkability. Zoning permits up to 2.0 FAR, 80% lot coverage and 20-35 ft building height by right. Bonuses may be granted up to 3.0 FAR, 90% lot coverage and 45 ft building height.

RCO-Conservation: Purpose is to preserve the function, integrity and health of the City's significant natural areas; may contain passive recreation when these activities are compatible with the protection of natural features.

NR Overlay- Riparian and Littoral Conservation Zone: Purpose is to protect and preserve the city's surface waters and upland areas from encroachment by development and from sources of non-point pollution, and to assure that development occurs within flood/hazard areas in a way that minimizes or eliminates potential for flooding or loss/damage to life or property. This overlay applies within 250 feet of the Winooski River.

Buildable Area Calculation: This calculation applies to properties greater than 2 acres within the RCO, WRM, RM, WRL and RL zoning districts, for the purpose of protecting sensitive natural features, preventing overdevelopment of properties with sensitive and unbuildable areas, and ensuring that new development fits within the scale and intensity of an existing neighborhood. Land is considered buildable if it is not inundated by water at least 6 months of the year and if the slope does not exceed 30%. For properties with a slope of 15-30%, the DRB may approve a conditional use to allow development at up to 50% of the maximum density/lot coverage if it can be demonstrated that it does not negatively impact the criteria listed above.

Modification to the NAC-R boundary & district provisions

At the March 8, 2016 Planning Staff recommended an amendment to Map 4.4.2-1 Neighborhood Mixed Use Districts and Map 4.4.6-1 Recreation Conservation, Open Space Districts to extend the NAC-Riverside zoning district boundary to 125 feet from the street center line on the north side of Riverside Avenue. Currently, the boundary is 100 feet from the street center line. A map is attached to illustrate the change to the NAC-R boundary.

This modification includes a conservative increase in the developable area of all sites along the northern side of Riverside Avenue in order to achieve the NAC-R district's purpose of encouraging mixed-use development. This change would permit development on the properties from 193-245 Riverside Avenue that is generally consistent with where development is occurring on the properties today, and would continue to limit the extent of development along Riverside Avenue in order to preserve the integrity of the bank of the Winooski River and uphold the purpose of the RCO-C and NR Overlay districts. However, due to the increased intensity of the slopes along Riverside Avenue between Intervale Road and the City's Wastewater Treatment Plant, the Planning Commission asked staff to reconsider a scenario that better accommodates the topography.

To address the concern for the variation in slopes throughout the corridor, staff recommends the following changes to the NAC-Riverside zoning district:

1. Amend Maps 4.4.2-1 and 4.4.6-1 to extend the NAC-R boundary to 125 feet from the street center line on the north side of Riverside Avenue

2. Add a "Sec.4.4.2 (d) 2. C" to the NAC-R provisions, which applies a modified buildable area calculation to the NAC-R zoned portions of those properties on the north side of Riverside Avenue. The current buildable area calculation will continue to apply to the remaining portion of these properties zoned RCO. The proposed language for this section is included in the attached document.

The property located at 189-191 Riverside Avenue was included in the request to be rezoned. Unlike the other properties included in Mr. Furnari's request, the property is currently zoned RCO-Conservation, with no portion of the site currently zoned for NAC-R. Furthermore, nearly the entire site is located within the Natural Resource Protection Overlay: Riparian and Littoral Conservation Zone. Therefore, it is not recommended that the NAC-R boundary be extended to the east to include any portion of this property, or any properties further to the east.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-??- NAC-Riverside Map Change & Buildable Area Calculation

DRAFT as proposed by Planning Staff for the PC Meeting May 24, 2016

Changes shown (underline to be added, strike-out to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

Part 4: BASE ZONING DISTRICT REGULATIONS

Sec 4.4.2 Neighborhood Mixed Use Districts

(a) **Purpose-** *No Change*

(b) **Dimensional Standards and Density-** *No Change*

(c) **Permitted and Conditional Uses-** *No Change*

(d) **District Specific Regulations**

1. Ground Floor Residential Uses Restricted

In order to maintain an active streetscape for pedestrians and pedestrian-oriented businesses and activities, residential uses shall not be permitted within 25-feet of a public street right-of-way along the street-level frontage in the NAC District.

2. Exception to Maximum Lot Coverage in NAC District

The following exceptions to the maximum lot coverage standards for the NAC District of Table 4.4.2 -1 may be provided as follows:

A. Landscaping

Developments that provide landscaping within a parking lot may increase lot coverage above the allowable 80% maximum up to a lot coverage maximum of 85%. This additional lot coverage is limited to twice the landscaping area within a parking lot for each landscaped area of at least 125 square feet with a minimum width of 8 feet excluding curbs, and that include significant shade trees whose mature height is at least 35 feet. If more than two such trees are planted, they shall be 30 feet on center, linear.

In calculating lot coverage, sidewalks are not to be included that are shaded with significant shade trees whose mature height is at least 35 feet and are planted 30 feet on center, linear. A substantial tree must be at least 3 inches in caliper and planted in accordance with Section 11 of the city's "*Burlington Street Tree Planting Plan*" design and planting recommendations.

B. Housing

Developments that provide housing in addition to non-residential uses may increase lot coverage above the allowable 80% maximum by allowing an additional two square feet of lot coverage for every square foot of housing, up to a lot coverage maximum of 90%.

C. Buildable Area Calculation

For properties located on the north side of Riverside Avenue, the maximum building density or lot coverage shall be calculated using the buildable area only. Buildable area shall be deemed to include only those portions of a property that are 1) within the NAC-R zoning district, 2) not inundated at least six months per year by water including streams, ponds, lakes, wetlands and other bodies of water, and 3) lands with a slope not to exceed 30%.

The DRB may under conditional use criteria allow up to 50% of the maximum building density or lot coverage to be calculated on lands with a slope between 15-30% if the applicant can demonstrate that the density or lot coverage will not have an undue negative impact on sensitive natural features.

3. Development Bonuses/Additional Allowances

The following exceptions to maximum allowable base building height and FAR in Table 4.4.2-1 above may be approved in any combination subject to the maximum limits set forth in Table 4.4.2-2 below at the discretion of the DRB. The additional FAR allowed shall correspond to the proportion of the additional building height granted to the maximum available.

A. Inclusionary Housing:

Inclusionary housing units shall be provided, with applicable additional coverage and density exceptions, in accordance with the provisions of Article 9, Part 1. An additional allowance in the NAC and NAC-Riverside districts may be permitted at the discretion of the DRB for the provision of additional onsite inclusionary housing units.

A maximum of an additional 10-feet of building height, and corresponding FAR, may be permitted at the discretion of the DRB for an additional 5% inclusionary housing units provided onsite in excess of the requirements of Article 9, Part 1. The total gross floor area dedicated to the additional inclusionary housing shall be equivalent to the gross floor area resulting from the additional allowance.

B. Senior Housing:

A maximum of an additional 10-feet of building height, and corresponding FAR, may be permitted at the discretion of the DRB in the NAC and NAC-Riverside districts where no less than twenty-five per cent (25%) of the total number of onsite units are reserved for low-moderate income senior households as defined by state or federal guidelines, including no less than ten percent (10%) reserved for low-income households. The total gross floor area dedicated to the senior

housing shall be equivalent to the gross floor area resulting from the additional allowance.

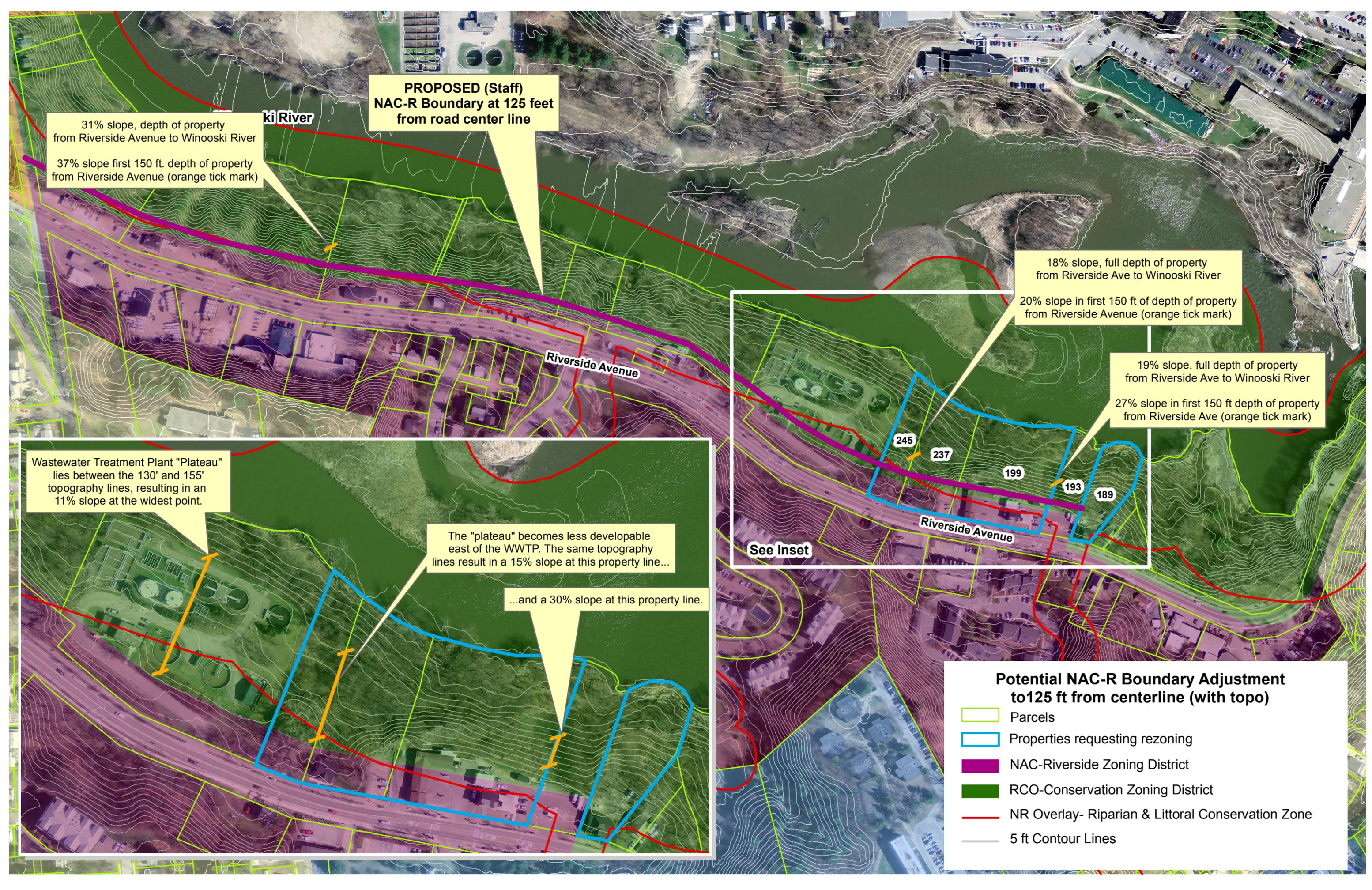
C. Maximum Bonus:

In no case shall any development bonuses or allowances granted, either individually or in combination, enable a building to exceed the maximum FAR and maximum building height permitted in any district as defined below:

<i>Table 4.4.2 -2: Maximum FAR and Building Heights with Bonuses</i>		
	Maximum FAR	Maximum Height
NAC	3.0 FAR	45 feet
NAC-Riverside	3.0 FAR	45 feet

Map 4.4.2-1 Neighborhood Mixed Use Districts *(adjust to show new district boundary)*

Map 4.4.6--1 Recreation, Conservation, Open Space Districts *(adjust to show new district boundary)*



**PROPOSED (Staff)
NAC-R Boundary at 125 feet
from road center line**

31% slope, depth of property
from Riverside Avenue to Winooski River

37% slope first 150 ft. depth of property
from Riverside Avenue (orange tick mark)

18% slope, full depth of property
from Riverside Ave to Winooski River

20% slope in first 150 ft of depth of property
from Riverside Avenue (orange tick mark)

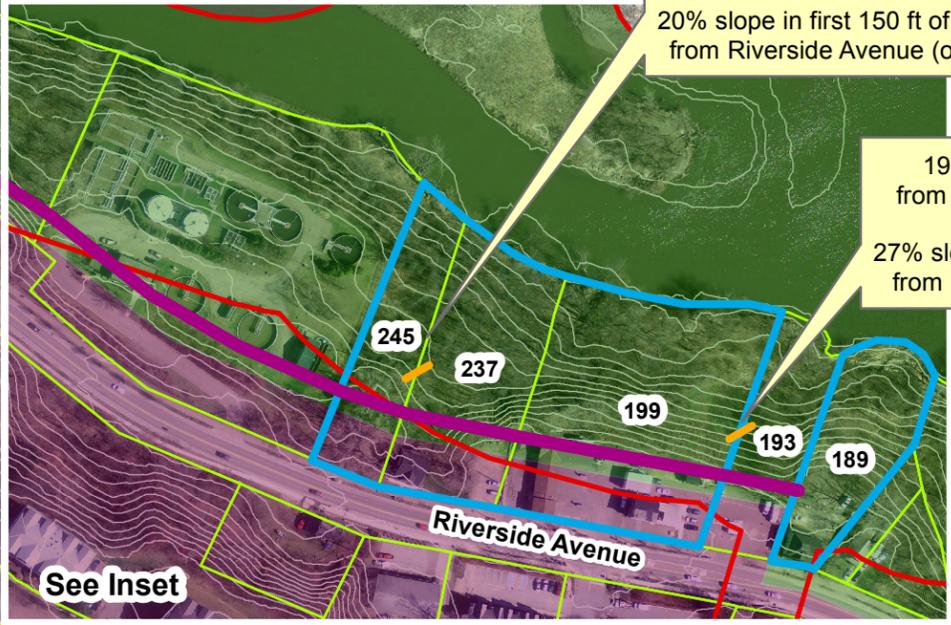
19% slope, full depth of property
from Riverside Ave to Winooski River

27% slope in first 150 ft depth of property
from Riverside Ave (orange tick mark)

Wastewater Treatment Plant "Plateau"
lies between the 130' and 155'
topography lines, resulting in an
11% slope at the widest point.

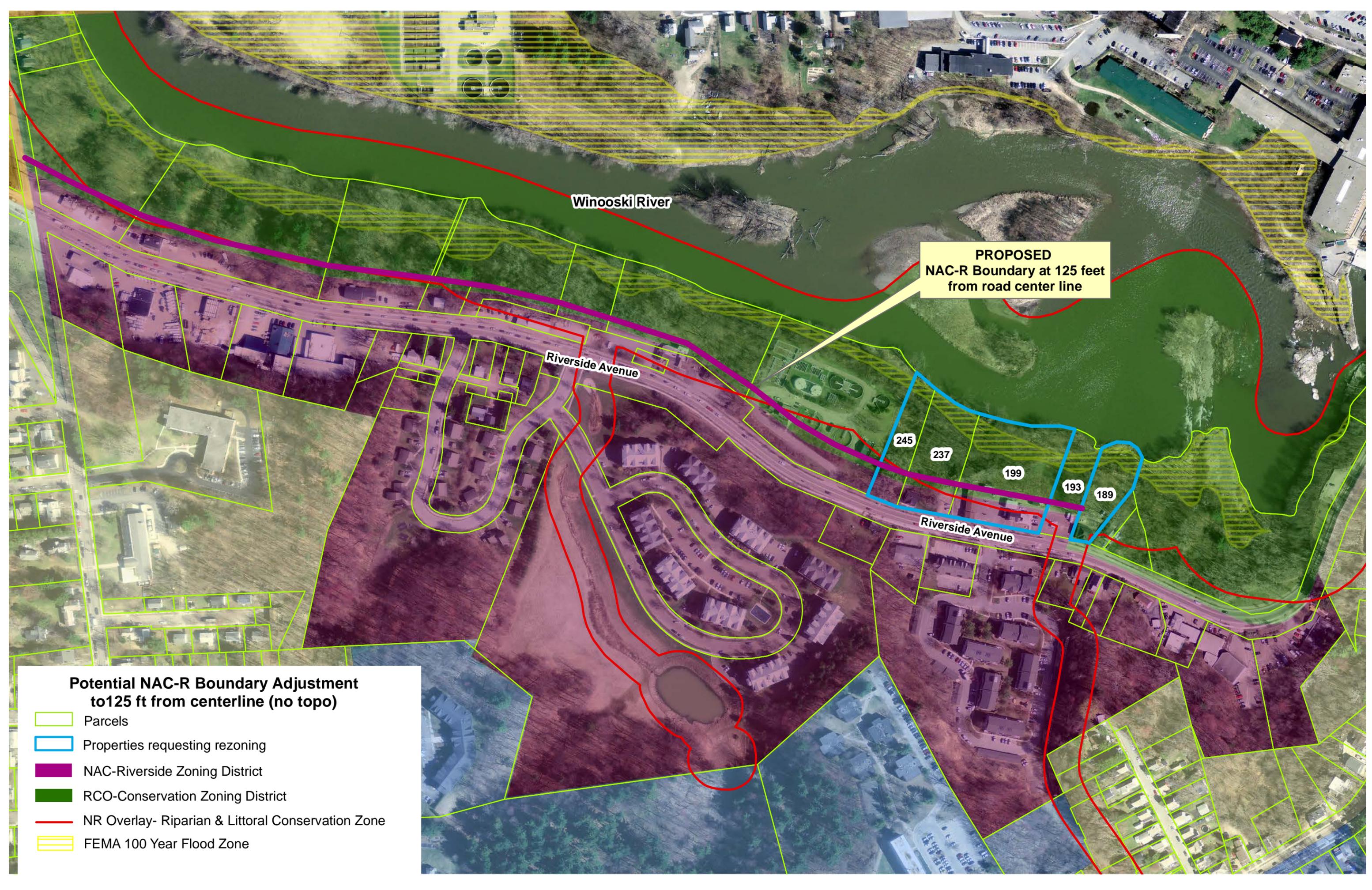
The "plateau" becomes less developable
east of the WWTP. The same topography
lines result in a 15% slope at this property line...

...and a 30% slope at this property line.



Potential NAC-R Boundary Adjustment to 125 ft from centerline (with topo)

- Parcels
- Properties requesting rezoning
- NAC-Riverside Zoning District
- RCO-Conservation Zoning District
- NR Overlay- Riparian & Littoral Conservation Zone
- 5 ft Contour Lines



Winooski River

Riverside Avenue

PROPOSED
NAC-R Boundary at 125 feet
from road center line

245

237

199

193

189

Riverside Avenue

**Potential NAC-R Boundary Adjustment
to 125 ft from centerline (no topo)**

-  Parcels
-  Properties requesting rezoning
-  NAC-Riverside Zoning District
-  RCO-Conservation Zoning District
-  NR Overlay- Riparian & Littoral Conservation Zone
-  FEMA 100 Year Flood Zone