

## Department of Permitting & Inspections

Zoning Division  
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**TO:** Development Review Board  
**FROM:** Garret King  
**DATE:** May 16, 2023  
**RE:** ZP-23-116; 1093 North Avenue

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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: RCO-RG      Ward: 4N

Owner/Applicant: Burlington DPW Parks and Recreation Department/ Max Madalinski

**Request:** Construct pause place at Leddy Park Arena; remove and replace asphalt path with asphalt, construct concrete oval at intersection, concrete pad and exercise equipment; construct bioretention basin.

### **Applicable Regulations:**

Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 7 (Signs).

### **Background Information:**

The applicant wants to repave existing walkways and add additional paved areas that will include fitness equipment and a rest area along the bike path. Lighting, signage, bike rack, and landscaping is proposed around the area. A bioretention area will be created running along the bike path in the swale that currently exists. The scope of the work is limited to the area around the bike path and current walkway leading to Leddy arena.

This development is a municipal parks project and, therefore, is subject to only limited zoning review per 24 VSA, Sec. 4413, *Limitations on municipal bylaws*. This application may be reviewed only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements.

The Conservation Board reviews this application on May 1, 2023. Recommendations of that Board will be noted at the Development Review Board meeting.

### Zoning Permit history

- Zoning Permit# 21-0560CA: Install electric gate on 2 x 2 concrete pad along Leddy park road
- Zoning Permit# 20-0994CA: Reconstruction of tennis courts and paving of existing pathways. Replacement of court lighting and poles. Removal of squash/handball courts.
- Zoning Permit# 20-0650CA: Install new scoreboard

- Zoning Permit# 20-0172CA: Build 4-bay building adjacent to existing building and add above ground fueling depot with tanks
- Zoning Permit# 13-1231CA: Excavate existing field surface, install sand fill, add topsoil, install infield, install swales.
- Zoning Permit# 18-0749SN: Installation of three rules and regulations signs at Leddy Park in association with master sing plan 18-0620MP
- Zoning Permit# 10-1148CA: Seasonal mobile food cart beside Leddy Arena
- Zoning Permit# ZP-08-527: Installing 3 ground water monitoring wells.
- Zoning Permit# ZP-07-375: Install two ballfield team dugouts at the softball field
- Zoning Permit# ZP-03-663: Expansion of existing athletic field complex by 40 ft x 400 ft and expansion of existing parking lot by 45 ft x 240 ft and the installation of other landscaping

**Recommendation:** Certificate of Appropriateness as per, and subject to, the following findings and conditions.

## I. Findings

### Article 4: Maps & Districts

#### *Sec. 4.4.6*

#### *(a) Purpose*

#### *(3) Conservation (RCO-C)*

The Conservation District is intended to preserve the function, integrity and health of the city's significant natural communities and features, both land and water, in their natural state for scientific, ecological, wildlife, educational or scenic purposes. The conservation District may contain passive recreational opportunities where such activates are compatible with the protection of natural features. The resurfacing of existing paths and the new addition of fitness equipment along with landscaping fits within the character of this district. **(Affirmative finding)**

#### *(b) Dimensional Standards & Density*

Current lot coverage is 14.2% and the proposed project will add an additional 3,150 sf to the lot coverage, changing the total lot coverage to 14.31%. The new additional coverage is below the maximum of 15% coverage. All other dimensional and density metrics will not change with the change in use. The visible changes to the property will consist of two new paved areas and other landscaping features. The pause area at the bike path will get an updated sign. The new larger paved area will have workout equipment. The new changes will not significantly change the standards or density. **(Affirmative finding)**

#### *(c) Permitted & Conditional Uses*

Implementing additional recreational opportunities is a permitted use for the district and fits with the current uses that are in the park. See above. **(Affirmative finding)**

#### *(d) District Specific Regulations*

Not applicable.

### Article 5: Citywide General Regulations

**Sec. 5.2.3, Lot Coverage Requirements**

See Sec. 4.4.2 (b).

**Sec. 5.2.4, Buildable Area Calculation**

See Sec. 4.4.2 (b).

**Sec. 5.2.5, Setbacks**

See Sec. 4.4.2 (b).

**Sec. 5.2.6, Building Height Limits**

See Sec. 4.4.2 (b).

**Sec. 5.2.7, Density and Intensity of Development Calculations**

See Sec. 4.4.2 (b).

**Sec. 5.5.1, Nuisance Regulations**

With the exercise equipment set up at the pause place a slight increase in noise can be expected. The increase in noise is not expected to cause any additional nuisance to the rest of the park or to the natural environment with the new additions. **(Affirmative finding)**

**Sec. 5.5.2, Outdoor Lighting**

New lighting is noted in the proposal with the installation of three new light poles. The walkway lighting will stay under the limit of 2 foot-candles as well as the distribution limit of 0.5 foot-candles with full cut off lighting mounted to new posts. The proposed lighting will conform to lighting standards of sec. 5.5.2 (2), no lighting currently exists in this part of the property.

**(Affirmative finding)**

**Sec. 5.5.3, Stormwater and Erosion Control**

An erosion prevention and sediment control plan will have to be submitted for review by the city's Stormwater Program administrator. **(Affirmative 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*

Proposed work along the bike path within Leddy Park is outside of the lakeshore buffer and will include the creation of additional trees and stormwater improvements that will help protect the natural area. **(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*

Not applicable per 24 VSA, Sec. 4413. The city's stormwater standards under Chapter 26 continue to apply.

*(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. Accessibility requirements under the City's building code continue to apply.

*(l) Parking and circulation*

**(Not applicable)**

*(m) Landscaping, fences, and retaining walls*

Significant landscaping of various trees, shrubs, grasses, perennials and boulders are proposed around the area where the repaving and new construction is proposed. All proposed species are native or regional. **(Affirmative finding)**

*(n) Public plazas and open space*

The new rest areas are designed to provide active amenities for the public while keeping landscaping and hardscape aspects that keep the natural feel of the park. Lighting will help provide public safety to allow pedestrians to feel safe even at night. **(Affirmative finding)**

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

**(Not applicable)**

## **Article 7: Signs**

**Sec. 7.3.2 Applicability**

The application has several proposed signs that comply with the previously approved master sign plan for City parks and bike path info ZP-18-17. The new signs will consist of 3 different signs, one is a standard yard sign, another as a map kiosk, and the last as a post. **(Affirmative finding)**

**II. Conditions of Approval**

1. **Prior to release of the zoning permit**, both the erosion prevention and sediment control plan and the stormwater management plan shall be reviewed and approved by the stormwater administrator.
2. Hours of construction shall be limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. No work on Sundays.
3. 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.
4. Standard permit conditions 1-15.