

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone:(802) 865-7188

*William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Alison Davis, Planning & Zoning Clerk
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator*



TO: Development Review Board
FROM: Scott Gustin
DATE: September 15, 2020
RE: 20-0202CU; 820 North Avenue

=====
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-A&C Ward: 7N

Owner/Representative: Winooski Valley Park District

Request: Expand existing daycare use. No construction proposed.

Applicable Regulations:

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 8 (Parking)

Background Information:

The applicant is seeking conditional use approval to expand an existing “small daycare” in association with an existing “small museum” at the Ethan Allen Homestead. The existing conditional use approval for the daycare is limited to just 2 employees and 10 children. As proposed, there will be up to 6 employees and (eventually) 33 children.

Small daycares are presently allowed as a conditional use in the RCO-A&C zones and are limited to 50% of the floor area of the small museum that must host them. There is a pending zoning amendment that would remove the distinction between small and large daycares and also eliminate the 50% floor area restriction. That amendment has not yet passed; however, the City Council passed a resolution August 24, 2020 to enable daycares in the RCO-A&C zones to apply for conditional use approval to expand beyond the present “small” daycare standards during the COVID-19 state of emergency. That is the case with this application.

No exterior building or site alterations are included in this proposal.

Previous zoning actions for this property are as follows:

- 7/16/19, Approval to construct an Abenaki wigwam structure
- 7/3/18, Approval to construct an open sided shelter
- 7/23/15, Approval to establish a small daycare
- 6/20/14, Approval to remove storage shed and install new storage shed
- 4/18/14, Approval to install new fencing around community garden
- 4/30/10, Approval to install exterior foundation insulation
- 5/9/08, Approval to construct tool shed
- 10/20/03, Approval to construct bench & platform structure associated with picnic shelter

- 5/28/92, Approval to construct wooden walkway through wetland
- 8/10/88, Approval of modified outdoor lighting
- 4/14/88, Approval of building and site renovations
- 2/13/87, Approval of two building additions
- 10/24/86, Approval of exterior renovations to office/garage building
- 1/12/84, Approval to replace overhead door with windows
- 7/2/82, Approval for temporary mobile trailer
- 7/22/82, Approval for restoration of original homestead, relocation of additional residential structure, construction of information center, restrooms, and caretaker's residence, and parking
- 5/12/78, Approval to erect picnic shelter and restroom buildings

Recommendation: Consent approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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;

The proposed daycare expansion will have little, if any, impact on the capacity of community facilities. The facility is served by city water and onsite septic. A state wastewater permit has been obtained. **(Affirmative finding)**

2. The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal development plan;

The property is located in the RCO-A & C zones. The RCO-A zone is intended to protect productive agricultural soils, provide opportunities for viable commercial agricultural production, and to protect natural resources and working forest lands. The RCO-C zone 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 existing small museum, the Ethan Allen Homestead, is consistent with the educational goals of this zone. The daycare is consistent with the mission of the Ethan Allen Homestead and fits within the educational goals of this zone, even as expanded. **(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;

The daycare is set relatively far from neighboring residences. The proposed expansion is not expected to generate nuisance impacts affecting neighboring properties. **(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; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

No traffic information has been provided; however, additional traffic associated with the expanded daycare is expected to be modest and easily accommodated by the existing highway access to the property. **(Affirmative finding)**

5. *The utilization of renewable energy resources;*

No part of this application would prevent the use of wind, water, solar, or other renewable energy resources. **(Affirmative finding)**

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

Daycares are subject to standards set by the State of Vermont. **(Affirmative finding as conditioned)**

(b) Major Impact Review Standards

Not applicable.

(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 impose 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.*

No impacts in need of mitigation are anticipated. **(Affirmative finding)**

2. *Time limits for construction.*

No construction requiring zoning approval is proposed. **(Not applicable)**

3. *Hours of operation and/or construction to reduce the impacts on surrounding properties.*

The existing daycare is permitted to operate from 8:00 AM – 4:30 PM, Monday – Friday. Closed on weekends. No changes are included in this application for expansion. These hours are within the typical range for a small daycare and are acceptable. **(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; and,*

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

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.*

Not applicable.

Article 4: Maps & Districts

Sec. 4.4.6, Recreation, Conservation, and Open Space Districts:

(a) Purpose

(1) RCO-Agriculture (RCO-A) & (3) RCO-Conservation (RCO-C)

As noted above, the property is situated within the RCO-A and RCO-C zones. These zones are intended primarily for working agricultural and forest lands and for preservation of significant natural communities, respectively. As related to these overarching goals, these lands may also be used for scientific, ecological, wildlife, educational, or scenic purposes. The existing small museum and proposed daycare expansion are consistent with these purposes. **(Affirmative finding)**

(b) Dimensional Standards & Density

No site or building changes are proposed. Setbacks, building height, and lot coverage all remain unchanged. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The existing small daycare is a conditional use in the RCO-A and RCO-C zones. Conditional use criteria are addressed under Article 3 above. As noted previously, the City Council has acted to enable expansion of daycares in these RCO zones, subject to conditional use review, during the COVID-19 state of emergency. A zoning amendment is underway to enable such expansion beyond the declared state of emergency. **(Affirmative finding)**

(d) District Specific Regulations

(Not applicable)

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the Neighborhood Parking District. The daycare requires 1 parking space per 2 employees, plus 1 drop-off space per 5 children. With 6 employees and up to 33 children proposed, 10 parking spaces are required (3 for employees and 7 drop-off spaces). This is an increase of 9 spaces over the 1 space previously required. The associated small museum requires 1 parking space per 1,000 sf GFA. In this case, the 6,232 sf museum requires 6 parking spaces. There are two parking lots onsite. One contains 25 spaces, and the other contains 30 spaces. There is sufficient parking onsite for the existing and expanded uses. **(Affirmative finding)**

Sec. 8.2.5, Bicycle Parking Requirements

At an increased area of just 944 sf (576 existing + 368 proposed), the daycare remains too small to require any bicycle parking. Existing bike parking facilities at the museum will remain unchanged. **(Affirmative finding)**

II. Conditions of Approval

1. This approval expires with the current COVID-19 state of emergency unless the pending zoning amendment to allow daycares greater than “small” and larger than 50% of the small museum floor area is adopted prior to expiration of said state of emergency.

2. The small daycare is limited to 33 children and days/hours of operation of Monday-Friday, 8:00 AM – 4:30 PM.
3. It is the applicant's responsibility to comply with applicable daycare requirements established by the State of Vermont.
4. Standard permit conditions 1-15.