

Department of Permitting and Inspections

Zoning Division
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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: December 15, 2020
RE: ZP21-0377CU 12-22 North Street (Zone NMU, Ward 3C)

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 Number: ZP21-0377CU

Zone: NMU **Ward:** 3C

Date application accepted: October 7, 2020; withdrawn, and then re-activated November 13, 2020.

Applicant/ Owner: Burlington School District / A.J. Rossman

Request: Change of use, (conference room) for educational use on first floor.

Background:

12-22 North Street:

- **Zoning Permit 91-193;** Installation of double hung window, first floor in rear of building. No change in use. December 1990.
- **Zoning Permit 01-110;** **Change of use from office space to educational/office** on the first floor, Residentail unit and artist studio on the second floor. No exterior changes included. August 2000. **[Subsequent request to relinquish permit.]**
- **Zoning Permit 02-341;** Convert entire second floor to residential unit; Currently 1 residential unit and 33 sf artist studio. March 2002.
- **Zoning Permit 05-385CA;** Installation of photovoltaic panels on lower roof of building. February 2005.
- **Zoning Permit 08-016CA;** install solar tracker. July 2009.
- **Zoning Permit 13-0462FC;** install solid privacy fence in rear yard and across driveway at rear with gates. October 2012.
- **Zoning Permit 14-0636CA;** Replace 5 windows (identified as phases I and III). December 2013.
- **Zoning Permit 15-0121CA;** replace three existing skylights in kind. Two on front and one on back. July 2014.

- **Zoning Permit 17-0699CA**; Replace rotted decking boards on south entrance ramp and landing. January 2017.

Overview: Burlington School District must relocate several of its classrooms due to a central facilities issue. Some identified locations are administratively permissible, while others require Conditional Use review for *Secondary Schools* or *Technical/Trades Schools* per Appendix A, Use Table of the CDO. DRB reviewed 1251 North Avenue (St. Mark’s Catholic Church) and Building B at Cambrian Rise (251 North Avenue) at their November 4, 2020 hearing; 12-22 North Street was eliminated from review as there was a permit on record of educational use at that location.

Subsequent to that DRB meeting and approval at other locations, the Zoning Compliance Officer found a letter requesting relinquishment of that August 2000 permit approval for educational use, so that decision is no longer valid. This new request must be reviewed on its own merits. Burlington School District subsequently reopened their request for Conditional Use Review to introduce educational use at 12-22 North Street.

Recommended motion: Conditional Use Consent Approval, per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

The conference room for the Criminal Justice program is currently utilized for office use, falling into the same Impact Fee category (“Offices and Other”) so no impact fees will be incurred. **Affirmative finding.**

Part 5: Conditional Use

Section 3.5.6 Conditional Use Review Criteria

(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 application proposes the use of an existing conference room within the building for a Criminal Justice program. Class size ranges from 3 students (Tuesday, Friday afternoon) to 13 students (Tuesday/Friday morning.) One employee (teacher) will be present from 7:45 am –

3:30 pm. during school hours. See p. 2 of Gingold letter for distribution of students across the hybrid school model; Monday/Thursday and Tuesday/Friday school week. The existing public utilities and services are able to support the 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;*

The conference room, currently permitted as office is perfectly adaptable to the educational use now requested. The NMU zoning district was intended to allow an increased intensity of development than would typically be found in the surrounding residential areas, and provides neighborhood oriented goods and services and employment opportunities within walking and biking distance.

Although not directly anticipating the challenge of relocating the entire secondary school, the following references from the Municipal Development Plan may apply: (Plan BTV)

- Strengthen partnerships between local businesses, institutions, non-profit and government agencies, and neighboring communities to actively support, attract, and retain diverse economic development and job opportunities, and create additional opportunities to retain youth. (P. 43.)
- Being a leader of and center for innovation and problem solving (P. 45.)
- Enabling a range of land use and development models that respond to, and benefit from, evolving needs of households, new technologies, and changing environmental and economic factors. (P. 49.)

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;*

There are no anticipated nuisance impacts at this location. The educational services will be provided indoors in existing facilities. **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;*

12-22 North Street is located on a major thoroughfare within the city and on or adjacent to public bus routes. Sending school districts will transport students to these locations for classes. BHS students will utilize local transit (GMT), bike or walk. **Affirmative finding.**

and,

5. *The utilization of renewable energy resources;*

Nothing within this applications will preclude the use of wind, water, solar, geothermal or other renewable energy resources. **Affirmative finding.**

and,

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

Any fit-up, if required, will be subject to all applicable building and life safety codes.

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 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.*

The utilization of an existing conference room for educational use will not spur any mitigation measures. **Affirmative finding.**

2. *Time limits for construction.*

The identified location is an existing developed site. Any interior work, if demanded, will be subject to trades permit review. **Affirmative finding as conditioned.**

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

Hours of operation are limited to the traditional school day: 7:45-3:30. No adverse impacts to surrounding property is anticipated. **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;*

Any change in the use will require review under the regulations in effect at the time of application. **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.*

The imposition of additional performance standards is at the discretion of the Development Review Board. There is nothing identifiable within the proposal to suggest a requirement for safeguards. **Affirmative finding.**

Article 4: Zoning Maps and Districts

Section 4.4.2 Neighborhood Mixed Use Districts

(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 than would typically be found in the surrounding residential areas, and provides neighborhood oriented goods and services and employment opportunities within walking and biking 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. The emphasis of nonresidential uses should primarily be oriented to serving the needs of the surrounding residential neighborhoods and other neighborhood commercial uses.

2. *The Neighborhood Mixed Use (NMU) 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 introduction of a small educational use at 12-22 North Street is aligned with the overall purpose of the zoning district; particularly relative to providing new opportunities and neighborhood oriented services. **Affirmative finding.**

(b) Dimensional Standards and Density:

There are no physical changes proposed to the existing building. **Affirmative finding.**

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Neighborhood Mixed Use districts shall be as defined in Appendix A – Use Table.

Educational use / Technical/Trades School are Conditional Uses in NMU. See Section 3.5.6, Conditional Use Review Criteria (above) and Appendix A, Use Table.

(d) District Specific Regulations:

1. Ground Floor Residential Uses Restricted

This applies only to the NAC District. Not applicable.

2. Exception to Maximum Lot Coverage in NAC District

Not applicable.

A. Landscaping

Not applicable.

B. Housing

Not applicable.

3. Development Bonuses/Additional Allowances

No bonuses are sought. Not applicable.

A. Inclusionary Housing:

Not applicable.

B. Senior Housing:

Not applicable.

C. Maximum Bonus:

Not applicable.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots. Not applicable.

Section 5.2.2 Required Frontage or Access

This is an existing, developed site with access along North Street. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

Not applicable.

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

Not applicable.

Section 5.2.6 Building Height Limits

Not applicable.

Section 5.2.7 Density and Intensity of Development Calculations

Not applicable.

Part 3: Non Conformities

Not applicable.

Sec. 5.4.8 Historic Buildings and Sites

Not applicable.

Article 8: Parking

12-22 North Street is now within the Multi Modal Mixed Use parking district, which has no minimum parking requirements. The school district plans for students to arrive by GMT bus, bike, walk, or by schoolbus via sending schools.

Section 8.1.6 Transportation Demand Management

b) Applicability

Non-residential or mixed use development: A building footprint of 8,000 sf or more.

The building footprint of 12-22 North Street is less than 3,000 sf. Not applicable.

Part 2: Bicycle Parking

The requirement for School, grades 6-12 is:

Long Term: 1/20,000 sf and

1/10 student capacity.

Short Term: 4/class room.

The use of a single conference room with occupancy up to 13 students will spur no long term bicycle parking requirements, and 4 short term bicycle parking spaces.

The applicant has the opportunity to work with the Department of Public Works for placement within the right-of-way, or Payment in Lieu for the required bike parking as defined under

Section 8.2.7, Payment in Lieu.

Affirmative finding as conditioned.

II. Conditions of Approval

1. Per Section 2.7.8, Withhold Permit, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations.
2. 4 short term bicycle parking spaces shall be provided. If the total requirement cannot be accommodated on-site, the applicant may make a payment to the Department of Public Works to construct short term bicycle parking facilities in the public street right-of-way. The payment shall be sufficient to cover the cost of the bicycle parking equipment (i.e. such as racks), installation, and 5 year estimated maintenance costs.
3. Any future expansion of the Conditional Use will be reviewed under regulations in effect at the time of application.
4. Standard Permit Conditions 1-15.

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