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TO: Development Review Board
FROM: Scott Gustin
DATE: October 6, 2015
RE: 16-0237CU; 156-160 North Winooski Ave

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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 <u>MUST</u> ATTEND THE MEETING.

Zone: NMU Ward: 2C

Owner/Applicant: Red Door Holdings, LLC / The Middle Ground, LLC

Request: Change of use from art gallery/studio and café to bar.

Applicable Regulations:
Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 8 (Parking)

Background Information:
The applicant is seeking approval to establish a bar in the corner portion of the multi-unit building at 156-160 North Winooski Avenue. No site or exterior building changes are included in the proposal. The application materials submitted are marginal; however, the request is simple and the application was warned for public hearing and must, therefore, be on the DRB meeting agenda.

This mixed use property has an extensive permitting history with a variety of commercial uses and minor building renovations.

Recommendation: **<u>Initial review and continuation of public hearing to a future date</u>** pending resolution of parking problems:

I. Findings

Article 3: Applications and Reviews
Part 5, Conditional Use & Major Impact Review:
Section 3.5.6 (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;*

The size of the proposed bar will be constrained by the small 700 sf space and 1 bathroom available. There is sufficient water and wastewater to serve the proposed business, and a state wastewater permit has been secured. **(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 subject property is zoned as Neighborhood Mixed Use (NMU). The NMU zone is intended primarily 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. This zoning designation reflects the mixed use character of the properties along much of North Street and this stretch of North Winooski Avenue. No development is included in this proposal. The contextual appropriateness of the building remains unchanged. The proposed bar is small in scale with a 25-seat limit and will be one of a wide diversity of uses in this stretch of NMU zone. **(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 proposed bar is not expected to generate nuisance impacts relative to odor, dust, heat, or vibrations. Noise may be a concern, particularly late at night. As with any other establishment, the proposed bar will be subject to the city's noise ordinance. **(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;*

The proposed bar is small (~700 sf and 25 seats) and has very limited onsite parking. Traffic generation is expected to be minimal. The property is readily accessible via car, bus, bike, or pedestrian. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

No part of this request prohibits the use of wind, solar, water, geothermal or other renewable energy resource. **(Affirmative finding)**

and,

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

No identified conflicts. Required building and/or life safety codes will be under the review of the building inspector. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.2, Neighborhood Mixed Use Districts:
(a) Purpose
(2) Neighborhood Mixed Use (NMU)
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 bar is small in scale and leaves the physical characteristics of the property untouched. Due to its location and easy accessibility, the proposed bar would likely be patronized by residents of surrounding neighborhoods. **(Affirmative finding)**

(b) Dimensional Standards & Density
No development is included in this proposal. **(Not applicable)**

(c) Permitted & Conditional Uses
The proposed bar is a conditional use in the NMU zone. **(Affirmative finding)**

(d) District Specific Regulations
(Not applicable)

Article 5: Citywide General Regulations
Sec. 5.2.3, Lot Coverage Requirements
(Not applicable)

Sec. 5.2.4, Buildable Area Calculation
(Not applicable)

Sec. 5.2.5, Setbacks
(Not applicable)

Sec. 5.2.6, Building Height Limits
(Not applicable)

Sec. 5.2.7, Density and Intensity of Development Calculations
(Not applicable)

Sec. 5.5.1, Nuisance Regulations
Nothing in the proposal appears to constitute a nuisance under this criterion. Potential for noise impacts is addressed under Sec. 3.5.6 (a) above. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting
(Not applicable)

Sec. 5.5.3, Stormwater and Erosion Control
(Not applicable)

Article 8: Parking
Sec. 8.1.8, Minimum Off-Street Parking Requirements

The prior use in this commercial space required 2.5 spaces per 1,000 sf. The proposed bar requires 3 spaces per 1,000 sf. The prior zoning permit was issued for a 900 sf space and, therefore, required 2 parking spaces. The subject application refers to ~700 sf in the same space. If it is really 700 sf, then parking demand remains unchanged at 2 spaces. If the space is 900 sf, then 3 parking spaces are needed.

One onsite parking space is available to serve the bar. The existing 1 space deficiency may be carried over with this new use, however, 1 additional space must be secured within 1,000' of the property per Sec. 8.1.12 (a) *Off-site parking facilities*. The applicant has not yet secured an off-site parking space. No parking waiver per Sec. 8.1.15, *Waivers from Parking Requirements/Parking Management Plans*, is possible, as a waiver is limited to 50% of the total parking requirement. Parking remains insufficiently addressed in the application. **(No finding possible)**

Sec. 8.2.5, Bicycle Parking Requirements
No bicycle parking information has been provided. The bar requires 2 short term spaces (6% of 25 person occupancy load) and 1 long term space (1 per 10 employees – up to 6 employees anticipated). **(No finding possible)**

II. Conditions of Approval
None recommended at this time.