

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

*David E. White, FAICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Alison Davis, Zoning Clerk*



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: November 19, 2019
RE: ZP20-0408CU; 747 Pine Street

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: ZP20-0408CU

Address: 747 Pine Street

Zone: E-LM **Ward:** 5S

Date application accepted: October 9, 2019

Applicant/ Owner: Cresta Cooper Nedde, LLC

Request: Expand warehouse/retail use (Burlington Furniture) into vacant unit, previously permitted as Health Club (Body Resolution.)

Background:

- **Zoning Permit 16-1355SN;** one free standing, externally illuminated directory sign on Sears Lane. June 2016.
- **Zoning Permit 16-1136SN;** Parallel sign for North Star Leasing. May 2016.
- **Zoning permit 16-0992CA;** revise south and west building elevations from approval under ZP16-0120CA; change overhead door to window group on south elevation; re-arrange door and windows on west elevation. March 2016.
- **Zoning Permit 16-0834SN;** one parallel metal non-illuminated sign for Nedde Real Estate on Pine Street façade. February 2016.
- **Zoning Permit 16-0809CA;** office space in lease area 1. February 2016.
- **Zoning Permit 16-0442CU;** expand lease area approved under Zoning Permit 16-0165CU to allow an additional 4,879 sf. as retail warehouse for Burlington Furniture Company. Request parking waiver consistent with previous approval. November 2015.
- **Zoning Permit 16-0441CA;** addition of dumpster enclosure. October 2015.
- **Zoning Permit 16-0407SN;** Sign for Body Resolutions South End. September 2015.
- **Zoning Permit 16-0165CU;** change of use of unit two (33,548 sf) to retail/warehouse and office for Burlington Furniture Company. September 2015.

- **Zoning Permit 16-0120CA**; modification of permit 15-0738CA; addition of exterior windows and doors; walkway on north with lighting; electric vault, relocation of gas meters. August 2015.
- **Non-applicability of Zoning Requirements 16-0272NA**; continued office use. August 2015.
- **Zoning Permit 16-0012CU**; establish health club, approx. 6762 sf. Allocate 14 parking spaces to use. August 2015.
- **Non-applicability of Zoning Requirements 16-0213NA**; internal work. August 2015.
- **Zoning Permit 15-1427SN**; install 1 freestanding sign for Burlington Grocery. No illumination. July 2015.
- **Zoning Permit 15-0738CA**; renovation to building exterior, expanded parking, improved storm drainage, removal of west addition. February 2015.
- **Zoning Permit 08-011CA**; change of use from wholesale grocery/warehouse to printing. No site or exterior building changes. July 2007.
- **Zoning Permit 09-450SN**; Signage for Print Tech. December 2008.
- **Zoning Permit 02-331**; new metal outswing egress door on north wall. February 2002.
- **Zoning Permit 99-023**; instalatio of nonilluminated freestanding sign for Burlington Food Service Company. July 1998.
- **Zoning Permit 92-426**; installation of door with construction of handicapped access ramp with pipe railing for Burlington Food Service. June 1992.
- **Zoning Permit 92-350**; three new windows in exterior wall and install new rooftop heating and AC unit next to existing HVAC unit at existing warehouse/office building. May 1992.
- **Zoning Permit 87-464**; replace existing 4000 gal underground fuel tank with 8000 tank or two 4000 gal tanks. August 1987.
- **Zoning Permit 87-091**; add 6,677 sf. one story office wing and freezer to existing warehouse. Add 4,064 sf of parking and loading area. March 1987.

Overview: Formerly the Burlington Grocery Company, this warehouse/office space has been repurposed with several lease units, including one occupied by Burlington Furniture as warehouse/retail space. They expanded that use in November 2015 with approval for a 50% parking waiver. This application requests further expansion of the Conditional Use into 6,760 sf; formerly Body Resolution / Lease Area 3. Appropriate parking can be accommodated on site.

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

Section 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.

The conversion of 6,760 sf. of Health club to Warehouse / Retail results in a change of use requiring assessment of Impact Fees.

SF of Project **6,760**

FY 20: July 1, 2019 - June 30, 2020

Department	<u>Offices & Other</u>		<u>Retail</u>	
	Rate	Fee	Rate	Fee
Traffic	0.686	4,637.36	0.747	5,049.72
Fire	0.202	1,365.52	0.202	1,365.52
Police	0.356	2,406.56	0.356	2,406.56
Parks	0.425	2,873.00	0.425	2,873.00
Library	0.000	0.00	0.000	0.00
Schools	0.000	0.00	0.000	0.00
Total	1.669	\$ 11,282.44	1.730	\$ 11,694.80

Difference \$ 412.36

Allocation by department:

Enter Total Fee: **\$412.36**

Enter Fiscal Year: **2020**

Department	<u>Retail</u>	
	Rate	Fee
Traffic	0.747	178.05
Fire	0.202	48.15
Police	0.356	84.86
Parks	0.425	101.30
Library	0.000	0.00
Schools	0.000	0.00
Total	1.730	\$ 412.36

Affirmative finding as conditioned.

Section 3.3.8 Time and Place of Payment

(b) Existing Buildings: Impact fees must be paid prior to issuance of a zoning permit, or if a building permit is required, within thirty days (30) of issuance of the building permit.

Affirmative finding as conditioned.

Part 5: Conditional Use Review

Warehouse/Retail is a Conditional use in Appendix A of the Comprehensive Development Ordinance. Expansion of a Conditional use requires DRB review.

Section 3.5.6 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.

This is an existing business on Pine Street that proposes to expand within this recently remodeled facility. There are no identified impacts to public utilities, facilities or services, all of which currently serve this 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 Enterprise-Light Manufacturing district is the primary commercial/industrial center of Burlington, and is intended to accommodate enterprises engaged in the manufacturing, processing, distribution, renovating, or assembling of goods, merchandise, or equipment without potential conflicts from interspersed residential uses. Other accessory commercial uses are allowed to support a side range of services and employment opportunities. This furniture distributor will display, store, distribute, and manage the sales of a wide range of household furnishings. The relocation (and expanded lease area) of Burlington Furniture will also fulfill a goal of the Municipal Development Plan, illustrating the adaptive reuse of old warehouses in the Enterprise District (*plan BTV: Comprehensive Plan 2019 Update*, p. 98) and the priority to retain/expand existing buildings within the *South End Master Plan (plan BTV South End*, p. 65.) **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.

Contrary to other uses within the district that may be manufacturing or utilizing machinery and equipment that emit greater volumes of noise and dust, the proposed use will not induce similar nuisance impacts. Furniture storage and sales is low impact per this standard. **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;

747 Pine Street fronts a major arterial, and has an expanded parking lot to accommodate the tenants. It is also on the CCTA bus route and has a pedestrian sidewalk on both Pine and Sears Lane. Pine Street has an articulated bicycle lane as well. There is a robust transportation system in place to support the proposed use. The success of this enterprise (already within this building) confirms the effectiveness and capability of the transportation network for this use. **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.*

Impact fees will be required for the change of use. Open permits will required Certificates of Occupancy prior to issuance of a FCO for this permit. Required building and/or life safety codes will be under the review of the building inspector. **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.*

No necessary mitigation measures are identified. The furniture warehouse will move into an already developed area of the building, with access to the existing parking lot.

Affirmative finding.

2. *Time limits for construction.*

No construction is proposed. Not applicable.

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

Hours of operation will be consistent with the existing furniture warehouse, with operation during typical hours of business. **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 future enlargement or alteration will be reviewed under the regulations in effect at the time of application. **Affirmative finding.**

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.*

This remains at the discretion of the Development Review Board.

Article 4: Zoning Maps and Districts

Section 4.4.3 Enterprise Districts

(c) Permitted and Conditional Uses

No changes are proposed to the exterior of the site.

Warehouse Retail is a Conditional Use in the E-LM Zoning District. Reference is made to Article 3, Part 5 and Appendix A. **Affirmative finding.**

Article 5: Citywide General Standards

Part 1: Uses and Structures

(d) Conditional Uses

See Article 3, Part 5 above for Conditional Use Review Standards.

Part 2: Dimensional Requirements

Not applicable.

Part 3: Non-Conformities

Not applicable.

Part 4: Special Uses

Not applicable

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

A lease area expansion of an approved furniture retail warehouse is not anticipated to introduce any impacts in conflict with the Burlington Code of Ordinances. The warehouse/retail use was previously approved in September 2015, with a lease area expansion the same year. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

Not applicable.

Section 5.5.3 Stormwater and Erosion Control

Development related to Stormwater and Erosion Control was included within a previous review and approval. Not applicable.

Section 5.5.4 Tree Removal

Not applicable.

Article 6: Development Review Standards

Not applicable.

Article 8: Parking

Table 8.1.8-1, Minimum Off-Street Parking Requirements for Warehouse; Retail requires 2.5 parking spaces per 1,000 sf. of space in the Shared Use Parking District.

Based on the expanded lease area of 6760 sf, the new required parking would be **17 spaces**. (6760 / 1000 = 6.76 x 2.5 = 17.) The previous health club use was assigned 14 parking spaces on the lot, leaving a three-space deficit for this expanded warehouse/retail use. Those spaces may be satisfied with unencumbered parking spaces on the existing parking lot.

An examination of previous decisions, cumulative area and assignment of parking spaces will be helpful in analyzing this request.

Zoning permit	Use	Lease area	Required parking;	Waiver %	Spaces waived	Spaces provided on site	Date
ZP16-0165CU Lease areas 2 + warehouse	Burlington Furniture	33,548 sf	84	50%	42	42	Sept. 2015
ZP16-0272CA Lease area 5	Office (Nedde RE)	2910 sf	6	0	0	6	
ZP0012CU Lease area 3	Health Club (Body Resolutions) Burl Furn. Proposed expansion	6762	14 17	0	0	14 17	
ZP16-0441	Dumpster location					2	
ZP16-0442CU Lease area 4	Burlington Furniture (expansion)	+4,879 sf 38,427 sf	+12	50%	6	6	Nov. 2015
Lease area 1	Continued office use (North Star Leasing)	6203	12	0	0	12	
Total encumbered spaces						82 (up to now) 85 (if expansion approved)	
Total spaces on-site						86	
Net spaces unencumbered						4 1 if expansion approved	

The additional 3 required spaces for the new use (14 allocated, 17 required) may be met with unencumbered spaces in the existing 86 space parking lot.

Affirmative finding.

Article 13: Definitions

Warehouse, Retail: A building used for the sale of goods, in bulk or as individual retail items, to the general public or to a membership.

Burlington Furniture’s use is a combination of retail, product warehouse storage and accessory office. As the public may move about the warehouse floor and purchase individual or a collection of items, the use category best fits the proposed furniture warehouse sales proposed.

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. The following Impact Fees shall be paid to the Department of Permitting and Inspections within 30 days of issuance of a building permit (if required), or **prior to release of the zoning permit**:

SF of Project 6,760

FY 20: July 1, 2019 - June 30, 2020

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Total	1.730	\$ 412.36

3. Required building and/or life safety codes will be under the review of the building inspector.
4. Standard Permit Conditions 1-15.

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