

## 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 3, 2019  
RE: 351 Pine Street; Zoning Permit 20-0487CA/CU

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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.**

**File Number:** ZP20-0487CA/CU

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

**Date application accepted:** November 5, 2019

**Applicant/ Owner:** University of Vermont State Agricultural College / Vermont Railway Inc.

**Request:** Use existing gravel parking/storage lot owned by Vermont Railway for 200 space long term UVM student parking. The proposed lot is intended to satisfy Condition #1 of the 149 Beaumont Avenue Health Sciences Research Facility addition application (ZP20-0203CA), approved October 2, 2019.

#### **Background:**

- **Zoning Permit 13-0795SD;** Two lot subdivision. No development proposed. April 2013. Plat recorded April 2103.
- (Early permitting associated with parcel 345 Pine Street, former Vermont Transit building.) **Zoning Permit n.n.;** above ground storage tank facilities for flammable fuels (gasoline, fuel oil, kerosene) on property fronting Pine Street now owned by Champlain Oil Co. Inc. **and on property now owned by Samuelson Scrap Yard,** which lies southerly of the southerly end of South Champlain Street. June 1962.

#### **Overview:**

The University of Vermont State Agricultural College has entered into a lease agreement with Vermont Railway to utilize an existing parking/storage lot at 351 Pine Street for the purposes of long term student parking. The site is currently graveled and enclosed within a chain link fence.

**Recommended motion: Conditional Use and Certificate of Occupancy approval,** per the following findings and conditions:

#### **I. Findings**

##### **Appendix A: Use Table**

Parking Lots are a Conditional Use in the E-LM zoning District. See Section 3.5.6, below.

## **Article 3: Applications, Permits and Project Reviews**

### **Part 5: Conditional Use**

#### **Section 3.5.6 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 project will not require water or sewer service, and the parking lot lights will be solar powered. There will be no undue adverse effect on public utilities, facilities or services. **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 state policies and standards of the municipal development plan;*

The area proposed for the project is currently used as a railroad parking lot and railyard transload area; surrounded by railroad/industrial and other parking uses. A gravel parking lot to the east is used by Dealer.com for employee parking. The continued use of the gravel lot for long-term parking is consistent with the character of the area.

**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 long term nature of the proposed parking lot will result in minimal parking turnover. No nuisance impacts are anticipated. **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;*

Access to the project site will continue from Pine Street via an existing curb cut and shared access right-of-way over the Dealer.com parking lot property. Access to and from parked vehicles will be provided by public transit (GMT) and UVM will run a shuttle to the lot during school semesters. Every student who parks in the lot will be eligible for a limited number of free rides at night using the new Safe Ride Program organized by the UVM Student Government Association. No undue or adverse effect on the transportation system is projected. The University will be required to include this parking facility within their transportation plan (Joint Institutional Parking Management Plan) as part of their TDM efforts. **Affirmative finding as conditioned.**

*and,*

5. *The utilization of renewable energy resources;*  
The proposed lighting (to be mounted on concrete waste blocks around the perimeter of the parking area) will be solar powered. **Affirmative finding.**

*and*

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*  
The railroad is exempt from local zoning for railroad activities. The proposed parking lot use by the University of Vermont moves the project review back under the City's regulatory authority.  
The parcel falls within the lakeshore Special Flood Hazard Area. Although no construction is proposed and no ground disturbance included, any changes to the lot would be subject to FHRC flood regulations by the City, and may be subject to review under the state Flood Hazard Area and River Corridor (FHARC) rule. The applicant is advised to consult with the Vermont DEC Watershed Management Division for any further review and permitting that may be required. **Affirmative finding as conditioned.**

*(c) Conditions of Approval*

*In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) 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 character in keeping with the surrounding area.*  
The surrounding area includes industrial/railyard uses and parking. As proposed, the lot is in keeping with the character of the immediate area. **Affirmative finding.**
2. *Time limits for construction.*  
No ground disturbance or penetration is proposed, and construction is limited to installation of pole mounted solar lighting. **Affirmative finding.**
3. *Hours of operation and/or construction to reduce the impacts on surrounding properties.*  
The submission materials indicate that the lot will be accessed only sporadically (anticipated around school breaks) but available to students via UVM transport or GMT. Free rides will be available to students at night. With the limited use of the lot as a long-term parking facility, no undue adverse impacts to the surrounding properties are projected. **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 requests for enlargement or alteration will be reviewed 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.*  
This is at the discretion of the Development Review Board.

## **Article 4: Zoning Maps and Districts**

### **Section 4.4.3 Enterprise Districts**

#### *(a) Purpose*

1. *The Light manufacturing district is the primary commercial industrial center of Burlington, and is intended primarily to accommodate enterprises engaged in the manufacturing, processing, distribution, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment without potential conflicts from interspersed residential uses. ...This district is primarily intended to provide for industrial uses suitable for location in areas of proximity to residential development. Development is intended to respect interspersed historic industrial buildings, and reflect the industrial aesthetic of the district's past. Parking is intended to be hidden within, behind, or to the side of structures.*

This is a former salvage yard / railyard/ storage area. Parking is consistent with previous uses and the industrial nature of the zoning district. As parking, it is located behind (to the west) of structures and parking that front the street at 345 Pine St. **Affirmative finding.**

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

Lot coverage is limited to 80% in E-LM; 66.9% is existing and proposed. No development is included with the application. The lot has no streetfrontage, and does not abut a residential district requiring setbacks. No changes are proposed to the existing site conditions. **Affirmative finding.**

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

Parking lots are a Conditional use in the E-LM. See Section 3.5.6 (a), above.

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

1. *Convenience Stores* Not applicable.
2. *Drive Thrus* Not applicable.

### **Section 4.5.4 Natural Resource Protection Overlay (NR) District**

#### **(b) Areas Affected**

1. Riparian and Littoral Conservation Zone
2. Wetland conservation Zone
4. Special Flood Hazard Area

The parcel falls within the Barge Canal Wetland, the Special Flood Hazard Area, and Riparian and Littoral Conservation Zone. No site disturbance, ground penetration or development are proposed. Any alteration effected by the railroad may be subject to DEC review.

**Affirmative finding as conditioned.**

## **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 lot, with deeded right-of-way access to a public road (Pine Street.)  
**Affirmative finding.**

**Section 5.2.3 Lot Coverage Requirements**

See 4.4.3, (b), above.

**Section 5.2.4 Buildable Area Calculation**

This is not within the RCO, WRM, RM, WRL or RL zoning district; and no development is proposed. Not applicable.

**Section 5.2.5 Setbacks**

See 4.4.3, (b), above.

**Section 5.2.6 Building Height Limits**

No development is proposed. Not applicable.

**Section 5.5.2 Outdoor Lighting**

The plan proposes solar lighting (no ground disturbance; poles to be supported by concrete waste blocks around the perimeter of the parking area.) A blue light will be installed for safety purposes. **Affirmative finding.**

**Section 5.4.9 Brownfield Remediation**

The project site are subject to a Corrective Action Plan (CAP) approved by the Vermont Department of Environmental Conservation. Approved remedial activities include installation of engineered barriers including a gravel parking lot, installation of a fence to restrict access to certain areas, and a long-term groundwater monitoring program. Land use restrictions have been established for the property. The CAP specifically allows the property to be used as a parking lot without requiring further approval by DEC. (SMS Site #20124348.) **Affirmative finding as conditioned.**

**Article 6: Development Review Standards**

**Part 1: Land Division Design Standards**

Not applicable.

**Part 2: Site Plan Design Standards**

**(a) Protection of Important Natural Features:**

There are no natural features. The site is currently graveled. **Affirmative finding.**

**(b) Topographical Alterations:**

No grading or changes to the topography are proposed. **Affirmative finding.**

**(c) Protection of Important Public Views:**

There are no protected public views from the parcel. Not applicable.

**(d) Protection of Important Cultural Resources:**

Although the Barge Canal is identified within the Pine Street Industrial Historic District, the application for use of this parcel as a parking lot does not have an impact on the overall historic district. **Affirmative finding.**

**(e) Supporting the Use of Renewable Energy Resources:**

The project will utilize solar powered lighting. **Affirmative finding.**

**(f) Brownfield Sites:**

See Section 5.4.9, above.

**(g) Provide for nature's events:**

The project does not involve any grading to conversion of pervious area to impervious area. No change is proposed to existing conditions. **Affirmative finding.**

**(h) Building Location and Orientation:**

Not applicable.

**(i) Vehicular Access:**

No change to existing. **Affirmative finding.**

**(j) Pedestrian Access:**

Pedestrians may access the lot from the Dealer.com lot, and utilize public sidewalks and pedestrian crosswalks existing on Pine Street. **Affirmative finding.**

**(k) Accessibility for the Handicapped:**

As this is proposed to be a remote, long-term student parking lot, no handicap parking spaces will be identified. The University provides ADA parking close to institutional buildings, and access to this lot via shuttle transit. **Affirmative finding.**

**(l) Parking and Circulation:**

This is an existing graveled lot to continue to provide vehicular parking. Circulation shall remain as existing, with access from Pine Street. The lot will be lined to identify parking spaces. This is likely seasonally required to be refreshed, given the gravel base. **Affirmative finding.**

**(m) Landscaping and Fences:**

There is an existing, chain link fence around the parcel; installed by the railroad (which is exempt from zoning review for alterations associated with railroad use.) **Affirmative finding.**

**(n) Public Plazas and Open Space:**

Not applicable.

**(o) Outdoor Lighting:**

The project will include 12 solar powered light fixtures mounted on poles at 17'. The light fixtures are LED Solar. The submitted photometric confirms compliance with lighting standards for parking lots. **Affirmative finding.**

**(p) Integrate infrastructure into the design:**

No development is included. Not applicable.

**Part 3: Architectural Design Standards**

Not applicable.

**II. Conditions of Approval**

1. The applicant is advised to consult with the Vermont DEC Watershed Management Division for any further review and permitting that may be required.
2. Any requests for enlargement or modification of this Conditional Use permit will be reviewed under the regulations in effect at the time of application.
3. No activities, development, disturbance or changes in use that are in conflict with the Corrective Action Plan approved by the Vermont Department of Environmental Conservation shall be undertaken.
4. This new parking facility shall be included within any University of Vermont Joint Institutional Parking Management Plan as part of a portfolio of parking supply.
5. Approval of this lot specifically to meet Condition #1 of ZP20-0203CA (149 Beaumont Avenue) is conditioned upon a long term, renewable lease with the property owner. Failure to maintain such lease for the duration of the use will invalidate this approval toward meeting that Condition.
6. Standard Permit Conditions 1-15.

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