TO: Design Advisory Board  
FROM: Ryan Morrison, Associate Planner  
DATE: May 10, 2022  
RE: ZP-21-800; 501 Pine Street

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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.

Zone: ELM  Ward: 5S

Owner/Applicant: Vermont Gas Systems, Inc. / Kurt Schueler

Request: Develop a container kitchen/food truck café on the vacant property.

Background Information:

- **Zoning permit ZP-21-446**, Develop a seasonal outdoor patio and picnic area that will support up to 4 food trucks, container kitchens and/or food carts (café use).

The applicant is requesting approval to develop a container kitchen café on the vacant property. The containers proposed for use are steel shipping containers (20 & 40 ft long). A covered seating area will locate centrally on the property, and a pick-up/drop-off driveway is also proposed at the front.

The property is located within the identified Pine Street Canal Superfund Site, and is also classified as a brownfield site. The applicant has been working with the interested parties to ensure compliance with EPA and State requirements.

A similar project was approved for a food trucks/carts, with no permanent structures, in July 2021. This new project will replace the previously approved development. The DAB reviewed this project once on January 11, 2022 and tabled the application for the applicant to return with the following:

1. Provide public restrooms for use by restaurant patrons;  
2. Provide structural engineering analysis of the shipping container installation, including foundations and connection of the vertically stacked unit;  
3. Provide a landscape plan; and  
4. Address the conditions outlined in the staff comments.

The application plans have now been updated to include public restrooms and some additional landscaping. Structural engineering analysis of the shipping container installation has also been provided which address how the stacked containers will connect, as well as how they will connect to the ground. Lastly, the applicant has mostly addressed the conditions outlines in the staff comments, which were:
1. Update the plans to show the specific locations of all light fixtures.
2. Update the plans to include all exterior venting.
3. Submit documentation/plans for any remedial actions as they pertain to the brownfield site and the Pine Street Canal Superfund Site.
4. The applicant should consider installing one-way traffic signage and pavement markings.
5. Information (dimensions, materials, illumination, etc.) for each sign shall be submitted for compliance review.

Lighting spec sheets have been submitted and the plans have been updated to show their locations. Exterior venting has been shown on the rear of the two flanking containers, but not on the rear containers. It is safe to assume that similar venting will be placed on the back of the rear containers where there are kitchens.

Documentation/plans pertaining to the brownfield and Pine Street Canal Superfund Site are still pending as the applicant continues to work with the involved agencies. One-way traffic signage and pavement markings have not been presented and will still need to be. Lastly, the plans show signage proposed for use throughout the development. The wall signs at each café appear to be compliant with the sign ordinance of Article 7 – Signs. The plans also include a rooftop sign advertising ‘the courtyard’. Per Sec. 7.1.4 – Prohibited Signs, ‘signs located on the roofs of buildings or structures, or that project above the roof or parapet line’ are prohibited.

**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 undeveloped and will be cleared to make way for the proposed development. Tree removal will occur to make way for the proposed development.

(b) **Topographical Alterations:**
The applicant expects there to be 2-4 feet of site grading/excavation to make way for the development. The end result of the project, however, will see insignificant topographic alterations.

(c) **Protection of Important Public Views:**
There are no protected public views from the parcel.

(d) **Protection of Important Cultural Resources:**
There are no cultural resources on the subject property.

(e) **Supporting the Use of Renewable Energy Resources:**
Clearing the lot will allow for natural sunlight. The applicant notes that solar panels may be installed. No other renewable resources are proposed.

(f) **Brownfield Sites:**
The property is an identified brownfield site and is also located within the Pine Street Canal Superfund Site. The applicant has stated that he has been working with VT DEC to meet
compliance with their requirements in order to develop the property. No information has been submitted regarding this, but ensuring compliance with DEC and EPA requirements will be a condition of this permit.

(g) Provide for nature's events:
An approved Erosion Prevention and Sediment Control plan, as well as a stormwater plan, will be required prior to the release of the zoning permit. A covered seating area will provide shelter for diners. There appears to be no shelter for the ordering areas of the two flanking trailers. The applicant should consider some sort of awning/canopy to address this. There appears to be little to no room for onsite snow storage. However, as was indicated in the applicant’s first permit application, the café was only going to operate between May and November, meaning snow storage should not be an issue.

(h) Building Location and Orientation:
The container structures will locate along the periphery of the lot, with a two-story covered seating area. Also a second story container kitchen is also proposed at the property’s rear.

(i) Vehicular Access:
The development proposes direct access off Pine Street with two curb cuts to allow for an easy, one-way circulation pattern. The applicant should consider installing one-way traffic signage and pavement markings.

(j) Pedestrian Access:
Pedestrians will have direct access from the Pine Street sidewalk. Internal walkways and stairs will be provided for access to the café use.

(k) Accessibility for the Handicapped:
The building inspector has jurisdiction over ADA requirements, and the proposal must comply with the Burlington Code of Ordinances.

(l) Parking and Circulation:
The development will have a one-way driveway (with two curb cuts on Pine Street). The width appears to be adequate to allow for up to three parallel parking spaces with room to allow other vehicles to pass.

(m) Landscaping and Fences:
The site plan shows two planter boxes that will act as a barrier to the area behind the flanking trailers. Also included is ornamental grass in the Pine Street right-of-way greenspace. A retaining wall will be installed along the rear and south side property lines, as well as along a small portion of the north side property line. The applicant should provide details on the retaining wall, particularly information on the height.

(n) Public Plazas and Open Space:
Not applicable.

(o) Outdoor Lighting:
The applicant has submitted lighting spec sheets, and the plans show where some of the fixtures will be placed. Pendant lighting is shown above the seating area, and bollard lighting at the front
of the covered seating area. Lighting is also shown above the rooftop signage, but since rooftop signage is prohibited, they will need to be removed from the plans.

(p) **Integrate infrastructure into the design:**
Electric and water utilities will be provided underground. No other utilities are proposed. Trash/recycling bins are shown in three different areas.

**Part 3: Architectural Design Standards**
**Sec. 6.3.2 Review Standards**

(a) **Relate development to its environment:**

1. **Massing, Height and Scale:**
The massing, height, and scale of the proposed development is less than that of nearby development. The use of shipping containers for the café is unique, but fitting for the ELM zoning district.

2. **Roofs and Rooflines.**
The container structures will have flat roofs, and the covered seating area will have a glazed roof.

3. **Building Openings**
The only openings on the containers appear to be for employee access, and customer ordering windows.

(b) **Protection of Important Architectural Resources:**
* *Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.*

Not applicable.

(c) **Protection of Important Public Views:**
Not applicable.

(d) **Provide an active and inviting street edge:**
In arrangement, design and appearance, the design provides an active and inviting street edge. The site layout is clearly discernable from the street front.

(e) **Quality of materials:**
* *All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.*
The shipping containers are made of steel, so they will be durable throughout all seasons. The glazed roofing and steel beam support structure (covered seating area) will also be durable for all seasons.

(f) **Reduce energy utilization:**
All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. The proposal is for an outdoor café, where heating shouldn’t be much of a concern. However, it is assumed that there may be the use of portable propane heaters for chillier days. The applicant notes that solar panels may be installed on the seating area’s roof. While not a requirement, use of solar energy is always encouraged.

(g) **Make advertising features complementary to the site:**
The plans show wall signs for each container café which appear to be compliant with the size and placement requirements/limitations for wall signs. Also included is a rooftop ‘the courtyard’ sign which is prohibited per Sec. 7.1.4 – Prohibited Signs – *(h) Signs located on the roofs of buildings or structures, or that project above the roof or parapet line.* This signage will need to be removed from the plans.

(h) **Integrate infrastructure into the building design:**
Underground electric/water utilities (and assuming gas) will be used. No other infrastructure is noted. Venting will need to be screened as much as possible from view from the public street and neighboring properties.

(i) **Make spaces secure and safe:**
The proposed development must comply with all building and life safety code as defined by the building inspector and fire marshal.

**RECOMMENDED MOTION:**

Approve per the following conditions and forward to the Development Review Board.

1. Remove the rooftop ‘the courtyard’ signage from the plans.
2. Provide specific dimensions of each wall sign.
3. Submit documentation/plans for any remedial actions as they pertain to the brownfield site and the Pine Street Canal Superfund Site.
4. The applicant should consider installing one-way traffic signage and pavement markings.
5. Provide additional information on the retaining wall – particularly noting the height.