

## 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, AICP, Director*

*Vacant, Comprehensive Planner*

*Jay Appleton, Senior GIS/IT Programmer/Analyst*

*Scott Gustin, AICP, CFM, Interim Chief Administrative Officer*

*Mary O'Neil, AICP, Senior Planner*

*Elsie Tillotson, Department Secretary*

*Anita Wade, Zoning Clerk*



### MEMORANDUM

To: Development Review Board  
From: Mary O'Neil, AICP, Senior Planner  
Date: August 4, 2015  
RE: ZP16-0012CU; 747 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.**

**File:** ZP16-0012CU

**Location:** 747 Pine Street

**Zone:** ELM **Ward:** 5

**Date application accepted:** July 2, 2015

**Applicant/ Owner:** James Henley / Cresta Cooper Nedde LLC

**Request:** Change of use for 6,762 sf; Personal Fitness/Health Club.

#### **Background:**

- Zoning Permit 15-0738CA; Renovation to existing warehouse building; removal of approx. 8,700 building addition, exterior façade upgrade, improved stormwater management, add parking. Approved February 2015.
- Zoning Permit 08-011CA; change of use from wholesale grovery/warehouse to printing. No site or exterior building changes. July 2007.
- Zoning Permit 02-331; new 36" metal outswing egress door on north wall. February 2002.
- Zoning Permit 99-023; installation of nonilluminated freestanding sign for Burlington Food Service Company. July 1998.
- Zoning Permit 92-350; three new windows in exterior wall and install new rooftop heating and A.C. unit next to existing HVAC unit at existing warehouse building. May 1992.
- Zoning Permit 92-426; installation of door with construction of handicapped access ramp with pipe railing for Burlington Food Service. June 1992.
- Zoning Permit 87-464; replace existing 4,000 gal underground fuel tank with one 8,000 tank or two 4,000 gal tanks. August 1987.
- Zoning Permit 87-091 / COA 87-034; add a 6,677 sq. ft. one story office wing and freezer to existing warehouse. Add 4,065 sq. ft. of parking and loading area. March 1987.

- Zoning Permit 85-151 / COA 85-039; add new 80' x 96' freezer to existing building, reconfigure existing parking, blacktop, and landscape. April 1985.

**Overview:** The DRB approved exterior structural and site modifications in February of this year; however it was noted that as tenants are identified, the building owner would be coming back for use permits. This is the first; an application for a Health Club (which is a Conditional Use in the ELM Zoning District.)

**Applicable Regulations:** Article 3 (Applications, Permits and Project Reviews); Article 4 (Zoning Maps and Districts); Article 5 (Citywide General Regulations); Article 6 (Development Review Standards); Article 8 (Parking); Article 13 (Definitions); Appendix A, Use Table.

**Recommendation:** **Consent approval**, per the following findings and conditions:

**I. Findings**

**Appendix A, Use Table.** Health Club is a Conditional Use in the E-LM Zone. See Article 3.

**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 building 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.*

Both the previous use (warehouse) and proposed use (Health Club) fall within the same category of the Impact Fee regulations and calculator: *Offices and Other*. Therefore no Impact Fees would be assessed for the change in use.

**Affirmative finding.**

**Section 3.5.6 (a) Conditional Use Review Standards**

- 1. The capacity of existing or planned community facilities;*

The establishment of a Health Club in an existing commercial building has not anticipated negative impact on existing or planned community facilities. **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 has a mix of commercial, industrial, office, retail and small manufacturing uses. Identified in the *Purposes* statement, *Other accessory commercial uses are allowed to support a wide range of services and employment opportunities*. In this busy South End, a Health Club will complement existing established uses in close proximity to surrounding residential and downtown areas.

From the Municipal Development Plan:

- *Include the needs of workers and residents, as well as the impact of visitors, in setting standards for service.* (MPD, Community Facilities, Page VII-2.)

- *In the Enterprise District...the City will promote future uses that are less transportation and trucking oriented.* (MDP, Land Use, Page I-22.) **Affirmative finding.**

3. *Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated;*

This is an existing, developed site with on-site parking. The utilization of rehabilitated space for the new use does not spur concern for increased traffic flow or parking need. **Affirmative finding.**

4. *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.**

5. *The utilization of renewable energy resources;*

There is no hindrance within this application to the use of renewable or alternative energy resources. **Affirmative finding.**

*and,*

*In addition to the General Standards specified above, the DRB;*

6. *shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible;*

The previous use as a warehouse/wholesaler is being replaced by smaller discrete new uses; this request is among the first as the building use is reapportioned. Even with divided assignment, the collective impacts of new uses, and the Health Club in particular, are unlikely to have measureable differences from the previous commercial use. **Affirmative finding.**

7. *in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.*

Not a request within a residential zoning district or related to housing. Not applicable.

8. *may control the location and number of vehicular access points to the property, including the erection of parking barriers.*

Improvements to and alteration of vehicular access and parking was addressed and approved in the previous permit.

Not applicable.

9. *may limit the number, location and size of signs.*

Any signage will require a separate sign permit. The applicant/owner has been informed about the benefits of a Sign Master Plan, which may prove to be beneficial for this overall project site.

**Affirmative finding.**

10. *may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.*

Landscaping and site features were addressed in the previous application and permit. No other additional need for landscaping or screening has been defined by this project review. **Affirmative finding.**

11. *may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.*

Exterior building alteration to accommodate the new tenants is occurring outside this application and under separate zoning review. Those development projects are subject to typical zoning time limits.

**Affirmative finding as conditioned.**

12. *may specify hours of operation and/or construction to reduce the impact on surrounding properties.*

The Comprehensive Development Ordinance and Appendix A in particular do not offer any restrictive footnotes for the proposed use in E-LM zone. The surrounding properties reflect the industrial/commercial character of the area; uses that are not commonly impacted by health and fitness activities. The choice to limit hours, however, is at the discretion of this Board.

**Affirmative finding.**

13. *may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions.*

Article 13 of the CDO gives a size range for Health Clubs as between 5,000 and 20,000 sf. This application is for a health facility less than 7,000 sf. The Board has the discretionary option to require the applicant/owner to return for review if deemed appropriate. **Affirmative finding if conditioned.**

14. *may consider performance standards, should the proposed use merit such review.*

This is at the discretion of the Board. No necessary performance standards have been identified.

**Affirmative finding.**

15. *may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

None identified; this is at the discretion of the Board. **Affirmative finding.**

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

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

No changes are proposed to the exterior of the site.

A Health Club is a Conditional Use in the E-LM Zoning District. See Article 3 and Appendix A.

## **Article 5: Citywide General Standards**

### **Part 1: Uses and Structures**

#### **(d) Conditional Uses**

See Article 3, 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 health club is not anticipated to introduce any impacts in conflict with the Burlington Code of Ordinances. **Affirmative finding.**

#### **Section 5.5.2 Outdoor Lighting**

Specific alteration to exterior lighting was reviewed and approved under a previous, separate permit application. 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**

### **Part 1: Land Division Design Standards**

Not applicable.

### **Part 2: Site Plan Design Standards**

#### **Section 6.2.2 Review Standards**

*(a) Protection of Important Natural Features*

Not applicable.

*(b) Topographical Alterations*

Not applicable.

*(c) Protection of Important Public Views*

Not applicable.

*(d) Protection of Important Cultural Resources*

Not applicable.

- (e) *Supporting the Use of Renewable Energy Resources*  
See Section 3.5.6 5. , above.
- (f) *Brownfield Sites*  
None identified. Not applicable.
- (g) *Provide for Nature's Events*  
Exterior design elements to address entrance comfort, snow storage, etc were addressed in previous permitting for exterior alterations. Not applicable for this use review.
- (h) *Building Location and Orientation*  
Not applicable.
- (i) *Vehicular Access*  
No change to existing, approved site plan. Not applicable.
- (j) *Pedestrian Access*  
Pedestrian access will be afforded from multiple general building entrances; immediate to the public sidewalk and adjacent to provided parking. **Affirmative finding.**
- (k) *Accessibility for the Handicapped*  
The project will be reviewed by the building inspector for conformance with applicable building codes, including ADA and current Vermont standards. Handicap parking is identified and provided. **Affirmative finding as conditioned.**
- (l) *Parking and Circulation*  
No change to previously permitted site plan is included with this request. See Article 8 for parking requirement for proposed. Use. **Affirmative finding as conditioned.**
- (m) *Landscaping and Fences*  
Not applicable.
- (n) *Public Plazas and Open Space*  
Not applicable.
- (o) *Outdoor Lighting*  
Previously reviewed for overall site redevelopment. Not applicable for this review.
- (p) *Integrate Infrastructure into the design*  
Not applicable.

### **Part 3: Architectural Design Standards**

No change. Not applicable.

#### **Article 8: Parking**

**Table 8.1.8 Non-Residential Uses** requires 2 parking spaces for every 1,000 sf of gross area for Health Club use in the Shared Use Parking District. The estimated 6,762 sf of health club use will therefore require 14 parking spaces. The applicant has provided a plan of the parking area, demonstrating the adequacy of the parking on site. There are at least 86 parking spaces identified on the site plan. No other uses have yet been permitted for the mixed use building. **Affirmative finding.**

#### **Article 13: Definitions**

*Health Club: An indoor facility, between 5,000 and 20,000 square feet in size, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports, including but not limited to basketball, icehockey, wrestling, soccer, tennis, volleyball, racquetball, laser tag, paint ball, miniature golf, orhandfall. Such facility may also*

*provide other regular organized or franchised events, health and fitness club facilities, swimming pool, climbing wall, snack bar, restaurant, retail sale of related sports, health or fitness items, and other support facilities. Said establishment may or may not include membership.*

A Health Club is distinguished from a Health Studio by size; Health Studios are for facilities less than 5,000 sf. in size. The proposed use is greater; therefore Health Club (5,000-20,000 sf) is the appropriate use category. See Conditional Use Review, Article 3, above.

## **II. Conditions of Approval**

- 1.** The applicant may be required to return to the DRB for review and consideration of additional conditions for a request for expansion of the Conditional Use per Section 3.5.6 (a) 13.
- 2.** Standard Permit Conditions 1-14.

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