

**Department of Permitting & Inspections**

Zoning Division  
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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** April 4, 2023  
**RE:** ZSP-23-1; 179 Queen City Park Road

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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: E-LM                      Ward: 5S

Owner/Applicant: Zoo Holdings, LLC / Martin Courcelle

**Request:** Sketch plan review of approximately 65,000 sf addition to the existing Rhino Foods facility including associated access, parking, utility, and stormwater modifications.

**Applicable Regulations:**

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

**Background Information:**

The applicant has requested sketch plan review of the site plan associated with a planned expansion of the Rhino Foods facility. Building plans are not included in this sketch plan, except for footprint and approximate area. The applicants met with the city’s Technical Review Committee in December, 2022. Insofar as zoning standards are concerned, two items were flagged during TRC review: 1) increasing curb cuts from one to two, and 2) constructing additional parking in front of the proposed building addition. The applicant has wisely requested sketch plan review to understand the Boards’ perspectives on the proposed construction prior to investing in a complete application and design.

The Design Advisory Board reviewed this application March 28, 2023. As a sketch plan review, no action was taken; however, the Board generally supported the project, including the proposed site layout.

The proposed development is large enough to require a pre-application meeting with the local NPA to provide an overview to interested residents.

Prior zoning permit actions for this property.

- Zoning Permit 21-463; Addition of boiler room. May 2021.
- Zoning Permit 20-0463CA; Post-construction site changes. November 2019.
- Zoning Permit 19-0560CA; Amend permit 17-1097CA/MA. February 2019.
- Zoning Permit 19-0538CA; Install new tanks and extend sound barrier. January 2019.

- Zoning Permit 19-0175CA; Window installation. August 2018.
- Zoning Permit 18-0150CA; Temporary construction trailer. August 2017.
- Zoning Permit 18-0066CA; Temporary concrete pad. July 2017.
- Zoning Permit 17-1097CA/MA; 14,200 sf building addition. June 2017.
- Zoning Permit 16-1434CA; Exterior lighting package. July 2016.
- Zoning Permit 16-1433CA; three new pole lights in front of building. July 2016.
- Zoning Permit 16-1126CA; place office trailer onsite for approximately one year. May 2016.
- Zoning Permit 16-1000CA; remove one existing light, replace with motion sensitive light, add two new lights. April 2016.
- Zoning Permit 16-0613CA; 5-year tree maintenance plan. January 2016.
- Zoning Permit 16-0673FC, installation of approximately 80 feet of vinyl fencing. December 2015.
- Zoning Permit 16-0400CA; install temporary loading dock and door. September 2015.
- Zoning Permit 15-0842CA; construct new addition for trash and recycling enclosure. Amendment of zoning permit 15-0252CA. March 2015.
- Zoning Permit 15-0252CA; construction new addition for trash and recycling enclosure. September 2014.
- Zoning Permit 15-0411SN; install lettering on existing freestanding concrete sign platform for “Rhino Foods” and “79”. September 2014.
- Zoning Permit 14-0354SN; replace existing sign with new metal, non illuminated sign for Rhino Foods. September 2013.
- Zoning Permit 09-087CA; two temporary trailers/containers for storage. August 2008.
- Zoning Permit 09-088CA; erect a 7 x 10 shed. August 2008.
- Zoning Permit 07-293CA; add 8 x 20 outdoor storage shed on existing gravel surface. No increase in lot coverage. October 2006.
- Zoning Permit 07-025CA; temporary trailer/shipping container 8’ x 40’ to be kept on an existing concrete pad to provide additional storage space. No change in lot coverage. To be removed by July 1, 2007. July, 2006.
- Zoning Permit 06-759CA; extension of permit 06-210CA for temporary field office. Field office to be removed six months from end of appeal period for this permit (December 1, 2006.) May, 2006.
- Zoning Permit 06-446CA; install an air cooled chiller inside existing fenced equipment area on south side of building. January 2006.
- Zoning Permit 06-210CA; temporary 36’ x 10’ field office for additional meeting space. Shall be removed within eight months from end of appeal period. September 2005.
- Zoning Permit 04-576; fence around chiller and HVAC and noise barrier on south side. Apply for additional parking on existing gravel. Storing shed on south side and rocks on south side as parking barrier. June 2004.
- Zoning Permit 04-145, boundary line adjustment to increase 70 Industrial Parkway by 1.41 acres to become 5.01 acres and reduce 159 Industrial Parkway by 1.41 acres to become 11.0 acres. September 2003.
- Zoning Permit 02-584; installation of 8’ chain link fence around existing chiller and HVAC on south side of building and installation of a 16’ x 30’ concrete slab on north side of building for compost bin. June 2002.
- Zoning Permit 01-535; installation of HVAC unit on south side of building. June 2001.

- Zoning Permit 01-261; increase parking lot for 22 spaces, install 500-gallon fuel tank, demolish shed, enclosed roof vent with 7' high 8' x 8' fence. November 2000.
- Zoning Permit 00-090 / COA 000-005; installation of five trailers (3 dry storage and 2 refrigeration) as storage units for the existing frozen food manufacturer. August 1999.
- Zoning Permit 99-591; replace one horizontal tank with two vertical nitrogen tanks 36' high on the north side of the existing Rhino Foods manufacturing plant. June 1999.
- Zoning Permit 97-249 / COA 092-086B; revised site and landscaping plan for the existing manufacturing facility. Proposal represents as-built conditions for COA 92-086. January 1997.
- Zoning Permit 97-227 / COA 092-086A; renewal of COA 92-086, dated 4/23/1992, to utilize the originally approved maximum of 4300 sf. within the existing manufacturing space for associated office space. November 1996.
- Zoning Permit 92-313 / COA 092-086; fenestration and façade renovations to existing industrial complex. Relocated front entryway, with installation of horizontal above ground 48' long tank on side of building. April 1992.
- Zoning Permit 79-210A / COA 79-27; construction of 18,000 sf pre-engineered frame addition (metal clad) at rear of existing building. To be accomplished in 2 phases. Phase I refers to excavation and foundation; Phase II refers to frame addition. May 1979.

**Recommendation:** Not applicable for Sketch Plan review.

## **I. Findings**

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

#### ***Part 3: Impact Fees***

Applicant will be required to pay impact fees set forth and calculated by the Impact Fee Administrative Regulations based on the net new square footage of the proposed addition.

#### ***Part 5: Conditional Use & Major Impact Review***

##### ***Sec. 3.5.2, Applicability***

###### ***(a) Conditional Use***

The food and beverage processing use is permitted (not conditional).

###### ***(b) Major Impact Review***

Although the proposed expansion is large enough to trigger major impact review, it qualifies for exemption from major impact review as there is no change in use.

### **Article 4: Maps & Districts**

#### ***Sec. 4.4.3, Enterprise Districts:***

##### ***(a) Purpose***

*The **Light Manufacturing (E-LM)** 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. Other accessory commercial uses are allowed to support a wide range of services and employment opportunities. This district is intended to ensure that sufficient land area is appropriately designated within the city to provide an adequate and diversified economic base that will facilitate high-density job creation and retention. 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.*

Rhino Foods is an existing food processing facility; the use and proposed expansion is consistent with the intent of the E-LM zoning district.

***(b) Dimensional Standards & Density***

No building FAR information is included in the sketch plans and will be required upon application. A maximum FAR of 2.0 is permissible. The proposed addition looks to be well under this limit.

Lot coverage is not noted on the sketch plans and will be required on application plans. Within the E-LM zone, maximum permissible lot coverage is 80%. Recent permit history for the property indicates 52% existing coverage.

The proposed addition is set back beyond the minimum 5' required front yard setback. There are no minimum side yard setback requirements. As the rear of the property is also a zoning district boundary with a residential zone, a 25' rear yard setback applies. As proposed, the rear of the building addition looks to be close to 100' from the rear property line, and the circulation pavement is about 50.'

Building height information is not included in the sketch plans and must be included in application plans. The maximum permissible height is 45.'

***(c) Permitted & Conditional Uses***

The food and beverage processing use is permitted in the E-LM zone.

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

Not applicable.

**Article 5: Citywide General Regulations**

***Sec. 5.2.3, Lot Coverage Requirements***

The applicant is not seeking lot coverage exceptions.

***Sec. 5.2.4, Buildable Area Calculation***

Not applicable.

***Sec. 5.2.5, Setbacks***

See above.

***Sec. 5.2.6, Building Height Limits***

See above.

***Sec. 5.2.7, Density and Intensity of Development Calculations***

See above

***Sec. 5.5.1, Nuisance Regulations***

No nuisance impacts are anticipated with the proposed expansion.

***Sec. 5.5.2, Outdoor Lighting***

No outdoor lighting information is included in the sketch plans. Presumably, the new parking will be illuminated. Details as to fixture types, locations, and illumination levels will be required upon application for the project.

***Sec. 5.5.3, Stormwater and Erosion Control***

Details as to stormwater management measures will be required upon application. The sketch plans depict a sizeable stormwater pond in front of the proposed addition.

Over 400sf of land disturbance is proposed, so an Erosion Prevention and Sediment Control plan will also be required. Both items will be subject to review and approval by the stormwater administrator.

**Article 6: Development Review Standards**

***Part 1, Land Division Design Standards***

Although not expressly noted in the plans, it appears that two parcels will be merged into one as part of this project. The open lawn slated for development is presently a separate parcel.

***Part 2, Site Plan Design Standards***

***Sec. 6.2.2, Review Standards***

*(a) Protection of important natural features*

The property is not affected by any important natural features as identified in the Natural Resource Overlay map. The tree line along the westerly boundary line remains intact.

*(b) Topographical alterations*

No significant topographical alterations are proposed. The site is flat and will remain so. A new stormwater pond will require some topographical alteration.

*(c) Protection of important public views*

There are no important public views on or through the subject property.

*(d) Protection of important cultural resources*

The site has no historical significance, nor are there any known archaeological resources.

*(e) Supporting the use of alternative energy*

No information as to alternative energy is included in the sketch plans.

*(f) Brownfield sites*

The subject property is not an identified brownfield.

*(g) Provide for nature's events*

Significant impervious surface will be created as part of this construction. Although details are limited, the sketch plans depict a new stormwater pond to capture additional runoff.

Peripheral green space remains for wintertime snow storage from plowing. Existing sheltered building entries will remain. Information as to new entries is lacking.

*(h) Building location and orientation*

The existing building faces Queen City Park Road. The proposed addition will be constructed to the south of the existing building and appears to leave the existing front entry intact. No new front entries are evident within the addition.

*(i) Vehicular access*

The existing driveway will be retained and will provide ingress and egress to and from the property for passenger vehicles. It will also serve as the entry for truck deliveries; however, trucks will circulate around the building and exit from a new southerly curb cut. The Department of Public Works has reviewed this second curb cut and found it acceptable. Sight lines at the existing driveway's intersection with the road remain essentially unchanged. Sight lines at the new driveway intersection with the road appear to be clear. Preliminary traffic information has been provided. Between 11 and 31 additional peak hour trip ends are anticipated, depending on the ITE versus Rhino Foods' supplied data. Both are below the 75 peak hour trip end threshold for requiring a comprehensive traffic analysis.

*(j) Pedestrian access*

There is no public sidewalk along this side of Queen City Park Road. Therefore, there is no requirement to provide a front walkway connecting to it. Pedestrian walkways provide access from the existing parking lot to building entries. No walkway associated with the new parking lot is evident on the sketch plans and will be required.

*(k) Accessibility for the handicapped*

ADA parking spaces are depicted within the existing parking lot. No additional ADA spaces are noted in the proposed parking. ADA standards are administered through the building code.

*(l) Parking and circulation*

Under present conditions, parking is situated in front of the building and to the south side. Circulation wraps around the entire building to facilitate truck access. The proposed building addition is located to the south. Parking to the south will be removed and relocated/expanded in front of the proposed building addition. Truck circulation will wrap around the entire building and exit via a new curb cut to the south.

As depicted in the sketch plans, the proposed parking falls short of compliance with this criterion.

- Location of parking in front of the building is discouraged but not expressly prohibited. There are no apparent site constraints to locating the parking behind or to the side of the expanded building. The applicants have submitted a narrative explaining operational roadblocks to locating the parking to the side or rear. The standard, locating parking to the side or rear of the lot "to the extent possible" is ultimately a discretionary call the Board needs to make. As noted above, the DAB was supportive of the site plan layout.
- Parking areas of 20 or more spaces need to be broken into smaller areas separated by landscaping. The proposed parking area contains over 20 spaces and depicts no "islands" or other landscaping features to break it into smaller areas. The site plan will need to depict these features upon application.
- At least 30% shading of the new parking area is required. At least one shade tree for every 5 parking spaces is needed. No shading information is included in the sketch plans and will be required upon application.

*(m) Landscaping, fences, and retaining walls*

Existing landscaping is depicted in the sketch plans. No new landscaping is shown. If new parking is ultimately constructed as noted in the sketch plans, it must be screened from the street with new landscaping and/or fencing.

*(n) Public plazas and open space*

No public plaza or open space is included or required in this proposal.

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

No new infrastructure, such as mechanical equipment and solid waste and recycling facilities, is depicted in the sketch plans. If any is proposed, it must be depicted and screened on site plans submitted with the permit application.

***Part 3, Architectural Design Standards***

Not applicable – no building information provided.

**Article 8: Parking**

***Sec. 8.1.9, Maximum On-Site Parking Spaces***

Within the Shared Use Parking District, the maximum number of onsite parking spaces is limited to 1 per 1,000 sf GFA, plus 2 per 1,000 sf GFA devoted to patron use. Existing GFA of the building is 43,666 sf. The proposed 65,000 sf addition would bring GFA to 108,666 sf. No patron use areas are noted. As proposed, 96 parking spaces will be provided onsite. This total is below the maximum permissible of 109 spaces.

***Sec. 8.1.10, Off-Street Loading Requirements***

Off-street loading docks to the south side of the proposed addition are depicted on the sketch plans. As required, circulation affords truck access to them from the public street. The loading docks are appropriately located away from parking and pedestrian circulation.

***Sec. 8.1.11, Parking Dimensional Requirements***

The proposed parking spaces and circulation aisles are compliant with the standards of Table 8.1.11-1. They are 18' deep by 9' wide and have 24' aisle width for 2-way circulation.

***Sec. 8.1.12, Limitations, Location, Use of Facilities***

*(a) Shared Parking for Off-Site Use*

There is no indication that the parking will be provided for off-site users. It is assumed that the parking will serve onsite employees and visitors.

*(b) Front Yard Parking Restricted & Residential Driveways*

Not applicable.

*(c) Availability of Facilities*

As noted above, parking will be provided for onsite users. No aspect of the sketch plans indicate use of the parking areas for storage or display of vehicles or materials.

***Sec. 8.1.13, Parking for Disabled Persons***

The site plans depict a number of handicap parking spaces in close proximity to pathways and building entries. ADA compliance is administered via the city's building permit process.

***Sec. 8.1.14, Stacked and Tandem Parking Restrictions***

Not applicable.

***Sec. 8.1.15, Reserved***

***Sec. 8.1.16, Transportation Demand Management***

***(b) Applicability***

As the project results in more than 15,000 sf commercial GFA, it is subject to the standards of this section.

***(c) Transportation Demand Management Program***

The sketch plans contain no information as to the required TDM plan. Upon permit application, information to address each of the following criteria will be needed.

- a. Outreach and Education:*
- b. TDM Strategies:*
- c. Parking Management:*
- d. TDM Agreement:*

***Sec. 8.2.5, Bicycle Parking Requirements***

No bike parking details are provided in the sketch plans. The expanded facility will require 1 long term bike parking space per 20,000 gfa and 1 short term bike parking space per 25,000 gfa (at least 2 per public entrance).

**II. Conditions of Approval**

Not applicable for Sketch Plan review.