

Department of Permitting & Inspections

Zoning Division
149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: December 17, 2019
RE: 20-0534SP; 362- 374 Riverside Avenue

=====

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: NAC-R Ward: 1E

Owner/Applicant: Douglas Boyden / Blackrock Construction

Request: Sketch plan review of 65-unit senior housing building and related site improvements

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary & Replacement Housing)

Background Information:

The applicant has requested sketch plan review of a proposed 65-unit senior housing facility and related site work. A single multi-unit structure is proposed and includes enclosed parking on the ground floor with additional surface parking outdoors. Three existing homes would be demolished, and the lots would be combined to accommodate the proposed senior housing facility.

Previous zoning actions for this property are noted below.

- 9/18/12, Sketch plan review of 49-unit apartment building
- 8/6/98, (362 Riverside) Approval of lot line adjustment
- 6/30/92, (362 Riverside) Approval to raise roof of single family home
- 2/28/83, (362 Riverside) Approval to establish wholesale woodworking shop in primary residence
- 8/6/98, (366 Riverside) Approval of lot line adjustment
- 9/9/82, (366 Riverside) Approval to construct a shed
- 4/5/82, (366 Riverside) Approval to install a stockade fence
- 10/7/81, (366 Riverside) Approval to install a woodstove and chimney
- 5/7/96, (370 Riverside) Approval to replace garage with new garage

Recommendation: Not applicable for Sketch Plan review.

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (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;*

The proposed residential building will be served by the municipal water and wastewater systems. Adequate reserve capacity is likely available; however, written confirmation from the Department of Public Works is required before a state wastewater permit can be issued. This project is scheduled for technical review on December 12, 2019.

- 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 subject property is part of the Neighborhood Activity Center – Riverside zone that extends along much of that street’s length. This zone is intended primarily to allow a mix of commercial and residential development. A variety of retail and service businesses are allowed along with some light industrial uses. Development is intended to be compatible with nearby residences and is to be aesthetically pleasing for motorists, transit users, pedestrians, and businesses. The proposed development is exclusively residential but sits within close proximity to commercial uses within this mixed use zone. Residents of the would-be building will live within easy walking distance of a variety commercial establishments. The proposed senior housing facility fits within the mixed use context of the NAC-R zone.

- 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 proposed construction is wholly residential. It is not expected to generate exceptional noise, odor, dust, heat, or vibrations.

- 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;*

No traffic information has been provided with this sketch plan. A comprehensive traffic analysis will be required upon zoning permit application. The traffic analysis must address the basics, such as level-of-service at nearby intersections, daily and peak hour trip ends, and whether measures such as shuttle service will be provided for use by the elderly residents. The Department of Public Works may request additional traffic information following technical review.

and,

5. *The utilization of renewable energy resources;*

No utilization of renewable energy resources is included in the project plans. The applicant is encouraged to consider such incorporation.

and,

6. *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.

(b) Major Impact Review Standards

1. *Not result in undue water, air, or noise pollution;*

The proposed construction is not expected to result in undue water, air, or noise pollution. Stormwater is addressed under Sec. 5.5.3.

2. *Have sufficient water available for its needs;*

See Sec. 3.5.6 (a) 1.

3. *Not unreasonably burden the city's present or future water supply or distribution system;*

See Sec. 3.5.6 (a) 1.

4. *Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*

An erosion prevention and sediment control plan will be required with the zoning permit application. It will be subject to review and approval by the city's Stormwater Program staff.

5. *Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;*

See Sec. 3.5.6 (a) 3 for traffic impacts. Insufficient detail is available in the sketch plans to determine particular impacts as to nearby streets, bikeways, and pedestrian walkways and sidewalks.

6. *Not cause an unreasonable burden on the city's ability to provide educational services;*

As a senior housing facility, the project will not cause an unreasonable burden on the city's ability to provide educational services. The project may qualify for a waiver of the school impact fee.

7. *Not place an unreasonable burden on the city's ability to provide municipal services;*

Project review by the Technical Review Committee takes place December 12, 2019. Follow up written comments will be provided to the applicant. Impact fees will be paid to help offset what impacts there are on municipal services.

8. *Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;*

See Sec. 6.2.2 (a) & 6.3.2 (b).

9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;

The proposed development will significantly intensify the degree of residential development onsite. Rather than 3 detached homes, there will be a 65-unit senior housing building. The project is proposed within a zoning district that enables development at a higher density than the nearby residential and institutional zones. It will have no adverse impact on the city's present or future growth patterns.

10. Be in substantial conformance with the city's municipal development plan;

The sketch plans are limited and lack sufficient detail to comment on substantial conformance with the municipal development plan. Conceptually, at least, the introduction of 65 new housing units in an area with a variety of employment, service, and recreational opportunities would be consistent with the MDP.

11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;

This project will add to the city's housing stock, specifically its senior housing stock. No details have been provided as to pricing, but affordability requirements as articulated in the CDO must be met. It will have no adverse impact on the present or projected housing needs of the city.

12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.

Residents of the project may utilize the city's parks and recreation resources; however, impacts are expected to be moderate and typical of new residential development. Impact fees will be paid to help offset what impacts there are on park resources.

(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.

The proposed development is not expected to generate offsite noise or glare substantial enough to require mitigation.

2. Time limits for construction.

No construction schedule is included in the sketch plans. The standard time frame is 3 years with one phase. If additional time is needed, or if phasing is desired, a phasing and/or construction schedule must be provided with the zoning permit application.

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

Hours of operation do not pertain to the proposed residential development.

No days or hours of construction are noted in the application. Typical days and hours of construction within residential neighborhoods are Monday – Friday from 7:00 AM – 5:00 PM.

Saturday construction may be allowed upon request. No work on Sunday. Unless the applicants request different construction days and hours, these typical standards will apply.

4. That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions; and,

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

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.

To be addressed in conditions of approval.

Article 4: Maps & Districts

Sec. 4.4.2, Neighborhood Mixed Use Districts:

(a) Purpose

(3) Neighborhood Activity Center – Riverside (NAC-R)

The Neighborhood Activity Center – Riverside zone is intended primarily to allow a mix of commercial and residential development. A variety of retail and service businesses are allowed along with some light industrial uses. Development is intended to be compatible with nearby residences and is to be aesthetically pleasing for motorists, transit users, pedestrians, and businesses. The proposed development is exclusively residential but sits within close proximity to commercial uses within this mixed use zone. Residents of the would-be building will live within easy walking distance of a variety commercial uses. The proposed senior housing facility fits within the mixed use context of the NAC-R zone.

(b) Dimensional Standards & Density

No details have been provided as to applicable dimensional standards. Such details will be required upon zoning permit application.

(c) Permitted & Conditional Uses

Multifamily residential development is a permitted use in the NAC-R zone.

(d) District Specific Regulations

No details are provided as to this criterion. The applicant may choose to pursue the senior housing bonus per subsection B of this criterion. Otherwise, the standard inclusionary requirements per subsection A and Article 9 would apply.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.2 (b).

Sec. 5.2.4, Buildable Area Calculation

See Sec. 4.4.2 (b).

Sec. 5.2.5, Setbacks

See Sec. 4.4.2 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.2 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.2 (b).

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion.

Sec. 5.5.2, Outdoor Lighting

No outdoor lighting information has been provided. Details as to fixture types, placement, and illumination levels (photometric plan) will be required upon zoning permit application.

Sec. 5.5.3, Stormwater and Erosion Control

No stormwater or erosion control details have been provided. Comprehensive stormwater management and erosion prevention and sediment control plans will be required upon zoning permit application.

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The site contains no significant natural areas as identified in the Open Space Protection Plan.

The site contains areas of trees and open lawns. Proposed tree clearing limits must be depicted in the project plans upon zoning permit application.

(b) Topographical alterations

The site slopes downhill towards Riverside Avenue. The sketch plans contain no information relative to proposed grading work. The zoning permit application must include existing and proposed topography.

(c) Protection of important public views

The site contains no identified public view corridors.

(d) Protection of important cultural resources

The project site has no known archaeological significance. It contains no archaeological site points, nor is it located within an archaeologically sensitive area. The buildings to be demolished are not included in an historic register.

(e) Supporting the use of alternative energy

See Sec. 6.3.2 (f).

(f) Brownfield sites

The subject property is not included on the Vermont DEC Hazardous Site List. It is, however, close to a former city dump (now developed with Riverwatch condos) that is included on the

hazardous site list. The applicant is advised to do at least preliminary soil testing for contaminants that may influence project design prior to applying for a zoning permit.

(g) Provide for nature's events

No information has been provided to address this criterion.

(h) Building location and orientation

The sketch plan lacks much in the way of detail; however, it does depict the new building set close to Riverside Avenue. A new walkway will connect an apparent center entryway to the public sidewalk along Riverside. Parking appears to be set behind the front half of the new building. Given the U-shape of Hillside Terrace, the new building will face Hillside Terrace to the east and west and Riverside Avenue to the north. All three street frontages of the proposed building will need to be sensitively designed to provide an active and inviting street edge.

(i) Vehicular access

Vehicles will access the site as they presently do from the western section of Hillside Terrace. It is the eastern section of Hillside Terrace that has a signalized intersection with Riverside Avenue. Seemingly, use of the signalized intersection would be preferable. Comment from the Department of Public Works will be significant in this consideration.

(j) Pedestrian access

A public sidewalk runs along the length of Riverside Avenue and Hillside Terrace. The sketch plans depict walkways connecting to both Riverside Avenue and to the western section of Hillside Terrace.

(k) Accessibility for the handicapped

Handicap parking spaces are depicted in the sketch plan. Two of the three are located within the garage. It is the applicant's responsibility to comply with all applicable ADA requirements.

(l) Parking and circulation

As noted above, parking will be set behind the front half of the proposed building and appears to be enclosed as viewed from the western section of Hillside Terrace. Screening of the surface parking as viewed from the eastern section of Hillside Terrace will be needed.

No information has been provided in the sketch plans to address required shade trees. Such information as to tree size, species, location, and degree of shading achieved will be needed with the zoning permit application.

See Sec. 8.1.11 for parking and circulation dimensional requirements.

(m) Landscaping and fences

No information has been provided as to proposed landscaping or fencing. Such information will be required with the zoning permit application.

(n) Public plazas and open space

No public plazas or open space are included in this proposal. The applicant should consider providing an outdoor hardscape area for the enjoyment of residents.

(o) Outdoor lighting
See Sec. 5.5.2.

(p) Integrate infrastructure into the design
No new outdoor mechanical equipment is apparent in the sketch plan. Details as to ground-mounted mechanical equipment, trash and recycling facilities, and similar elements will be needed as part of the zoning permit application. Any new utility lines must be buried.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

No building elevation plans have been provided. They will be required with the zoning permit application.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the Shared Use parking district. As such, it requires 1 parking space per dwelling unit. As proposed, 53 parking spaces are proposed for the 65 dwelling units. A 12-space parking waiver will be needed per the standards of Sec. 8.1.15.

Sec. 8.1.10, Off-Street Loading Requirements

The residential structure included in this proposal is not required to have a loading area.

Sec. 8.1.11, Parking Dimensional Requirements

The sketch plans are not full size, so dimensional compliance of the parking spaces, circulation aisles, and back-up lengths cannot be determined. Such information will be needed with the zoning permit application.

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Off-Site Parking Facilities

None proposed.

(b) Downtown Street Level Setback

Not applicable.

(c) Front Yard Parking Restricted

Not applicable.

(d) Shared Parking in Neighborhood Parking Districts

Not applicable.

(e) Single Story Structures in Shared Use Districts

Not applicable.

(f) Joint Use of Facilities

No joint use of the proposed parking facilities is proposed.

(g) Availability of Facilities

The parking to be constructed as part of this development must be for the exclusive use of residents and visitors. It may not be used for the storage or display of vehicles or materials.

(h) Compact Car Parking

No compact car parking spaces are evident in the project plans.

Sec. 8.1.13, Parking for Disabled Persons

Two ADA parking spaces are depicted within the garage. A third space is depicted within the surface parking area. These spaces shall be marked and signed as required for handicap spaces.

Sec. 8.1.14, Stacked and Tandem Parking Restrictions

Not applicable.

Sec. 8.1.15, Waivers from Parking Requirements/Parking Management Plans

A parking management plan per the requirements of this criterion will be needed in order to justify the necessary 12-space parking waiver. No pertinent information has yet been provided.

Sec. 8.2.5, Bicycle Parking Requirements

The sketch plan contains no detail as to bicycle parking. The 65 senior housing units require at least 7 long term bike parking spaces and 7 short term bike parking spaces. Details as to bike parking must be provided with the zoning permit application.

Article 9: Inclusionary and Replacement Housing

Sec. 9.1.5, Applicability

As the proposed development includes more than 5 new dwelling units, it is subject to the inclusionary housing provisions of Article 9. Alternatively, as the project appears to be exclusively senior housing, the applicant may choose to meet the standards of the senior housing bonus of Sec. 4.4.4.2 (d) 3 B.

II. Conditions of Approval

Not applicable for sketch plan.