

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** February 2, 2016  
**RE:** 16-0711SP; 435-441 Shelburne 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: RM Ward: 5S

Owner/Applicant: Mitchel Richardson

**Request:** Sketch plan review to convert existing rooming house/duplex to a 10-unit multifamily apartment building and related site improvements.

### **Applicable Regulations:**

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), and Article 9 (Inclusionary and Replacement Housing)

### **Background Information:**

The applicant is requesting sketch plan review for the proposed conversion of a duplex/boarding house to a 10-unit apartment building. Associated site work, primarily related to parking and circulation, is also included in the proposal. While the number of proposed units exceeds the 5-unit threshold for major impact review, the project qualifies for an exemption from major impact because the conversion will take place within the existing building. Inclusionary housing will be required.

Previous zoning actions for this property are noted below.

- 6/10/15, Non-applicability of zoning permit requirement issued for partial reconstruction of structure in-kind
- 4/29/15, Non-applicability of zoning permit requirement issued for in-kind siding replacement
- 11/30/07, Approval to modify onsite parking
- 8/7/03, Approval for stair and window replacement
- 8/12/82, Approval to establish convalescent home
- 7/22/82, Denial of requested convalescent home
- 7/16/82, Approval to demolish catwalk between structures
- 10/6/81, Denial to connect two buildings on adjacent lots
- 11/11/80, Approval to install garage doors
- 11/20/73, Denial to allow canoe rental business as home occupation
- 9/5/72, Approval to a 20-child daycare center

## **I. Findings**

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

#### **Sec. 4.4.5, Residential Districts:**

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

##### **(3) Residential Medium Density (RM)**

The subject property is located in the RM zone. This zone is primarily intended for medium density residential development in the form of single-detached dwellings and attached multi-family apartment buildings. The proposed conversion to a 10-unit apartment building is consistent with this intent.

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

Two parcels are to be combined resulting in a 0.43 acre parcel. The proposed 10 dwelling units are within the maximum permissible 25 units/acre (with inclusionary units).

As proposed, lot coverage will total 55%. Of that total, 48.3% will be standard lot coverage, and an additional 6.7% will be “accessory” lot coverage consisting of walkways, open porches, and the like. With inclusionary units, permissible lot coverage in the RM zone is 48%. Per Sec. 4.4.5 (d) 3 below, an additional 10% may be allowed for accessory features. The 48.3% standard lot coverage is slightly above the maximum permissible. The site plan notes 51.5% existing coverage, but there is nothing in the zoning record to support this nonconformity. The applicant either needs to demonstrate legitimate nonconformity or simply reduce the standard coverage to 48%.

Except for the removal of some small accessory components, building setbacks will remain unchanged. The proposed access drive and parking area will comply with the minimum required 5’ side yard setback. Confirmation is needed as to what the front yard setback is and whether the front of the proposed parking area is situated behind that line. As a corner lot, there is no rear yard.

Building height will remain unchanged.

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

The proposed multi-family housing is a permitted use in the RM zone.

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

##### **1. Setbacks**

No setback encroachments are sought.

##### **2. Height**

No height exceptions are sought.

##### **3. Lot Coverage**

As noted above, 6.7% of the total lot coverage consists of accessory features like open porches and walkways. This 6.7% is within the 10% afforded to such features.

##### **4. Accessory Residential Structures and Uses**

No new accessory residential structures or uses are included in this proposal.

**5. Residential Density**

All of the proposed residential units are subject an occupancy limit of 4 unrelated adults or a family as defined in the CDO.

**6. Uses**

Not applicable.

**7. Residential Development Bonuses**

None are sought beyond by-right bonuses associated with required inclusionary housing.

**Article 5: Citywide General Regulations**

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

See Sec. 4.4.5 (b) above.

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

Not applicable.

***Sec. 5.2.5, Setbacks***

See Sec. 4.4.5 (b) above.

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

See Sec. 4.4.5 (b) above.

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

See Sec. 4.5.5 (b) above.

***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. If any new outdoor lighting is proposed, fixture locations and cutsheets must be provided. If anything beyond doorways are to be illuminated, a photometric plan depicting average and maximum illumination levels and uniformity ratios will be required.

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

No stormwater management information has been provided. While the net change in lot coverage is slight, the redevelopment of this property warrants the inclusion of stormwater improvements. The applicant is advised to work with the city's stormwater program prior to submission of a zoning permit application for the development.

**Article 6: Development Review Standards:**

***Sec. 6.1.2 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. It appears that all but one of the existing trees will be retained.

*(b) Topographical alterations*

The property is essentially flat and will remain so. Some excavation will be required to access 2 new garage parking spaces along the building's Lyman Avenue frontage. Grading details will be needed at the time of zoning permit application.

*(c) Protection of important public views*

There are no significant public views from or through the subject property.

*(d) Protection of important cultural resources*

The building is not included on an historic register, nor is it eligible for inclusion. The proposed conversion to multi-family housing will have no adverse impact on historic or cultural resources.

*(e) Supporting the use of alternative energy*

Nothing within the sketch plans contemplates utilization of alternative energy resources. Rooftop solar may be cost-effective if installed along the building's southern exposure.

*(f) Brownfield sites*

The site is not included on the Vermont DEC Hazardous Site List.

*(g) Provide for nature's events*

Stormwater management is not addressed in the sketch plans. The applicants are advised to work with the Burlington Stormwater Program to work out proposed stormwater improvements prior to permit application.

*(h) Building location and orientation*

Existing building location and orientation will not change. The L-shaped building is set to the street corner and has entries facing Shelburne Street and Lyman Avenue.

*(i) Vehicular access*

Vehicular access from Lyman Avenue will be retained, but parking will be reconfigured and formalized as noted in criterion (l) below.

*(j) Pedestrian access*

Walkways will connect the front entries to the public sidewalks. New walkways behind the building will provide access into the building from the parking area. There is a significant gap between the walkways and parking area that should be eliminated to improve connectivity. The layout as presently proposed would quickly lead to trampling of the green space between the parking lot and associated walkways.

*(k) Accessibility for the handicapped*

ADA details are not noted in the sketch plans. There is only mention that two of the apartments will be accessible. It is the applicant's responsibility to comply with all applicable ADA requirements.

*(l) Parking and circulation*

The reconfigured parking area will be located behind the building as perceived from Shelburne Street and to the side of the building as perceived from Lyman Avenue. No parking lot shading analysis is included in the sketch plans. This criterion establishes a target of 30% shading of the parking area with new shade trees. At least 1 shade tree for every 5 parking spaces is required. Minimum caliper size at the time of planting is 2.5” – 3.5” and a mature canopy diameter of 35’ is expected. New shade trees would be most effective planted along the southern and western parking lot boundaries. Such details will be required with the permit application.

*(m) Landscaping and fences*

Some general landscaping information has been provided in the sketch plans. It appears that much of the existing landscaping around the building will be retained. A couple of new trees will be planted immediately south of the parking lot. Some additional trees will likely be needed to achieve the targeted shading as noted above. New shrubs or similar plantings for enhanced screening of the parking area along Lyman Avenue are recommended. A detailed landscaping plan will be required as part of the permit application.

*(n) Public plazas and open space*

No public plazas or open space are included in this proposal.

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

No new outdoor mechanical equipment is apparent in the sketch plans. If any is proposed, it must be depicted and screened. Similarly, no dumpster is depicted on the sketch plans. With 10 apartments, one may be needed. Provision for trash and recycling must be included in the zoning permit application plans. Any new utility lines must be buried.

**Part 3: Architectural Design Standards**

**Sec. 6.3.2 Review Standards**

No architectural plans are included in the sketch plan submission. The applicant is advised to contact the Vermont Department of Health relative to lead and asbestos abatement associated with interior building renovations.

**Article 8: Parking**

***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

The subject property is located in the neighborhood parking district. As a result, each of the 10 dwelling units requires 2 parking spaces – a total of 20 parking spaces in this case. As proposed, 12 parking spaces will be provided for the residences. An 8-space parking waiver is sought. See Sec. 8.1.15 below.

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

The applicant is seeking a 40% parking waiver for the residences. This percentage is within the 50% permissible limit. A parking management plan will be required in order to support the waiver.

Preliminary details note that the property is within a quarter mile of shopping and services and is located along CCTA bus routes. The sketch plans also note that at least 1 parking space per bedroom will be provided.

Item (d) of this criterion requires that parking management plans identify strategies that the applicant will use to reduce or manage the demand for parking into the future including things such as implementing a car-share program, using shuttles, and/or providing public transit subscriptions. Upon permit application, the associated parking management plan must make a commitment to these, or similar, strategies.

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

No details relative to bike parking have been provided. The 10 apartments will require at least 2 long term bike parking spaces (such as lockers) and 1 short term space.

**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 this Article. Fifteen percent of the total unit count must be inclusionary (15% of 10 is 2 dwelling units) in this zone. The sketch plans note that two of the units will be inclusionary. The applicant is advised to work with the manager of the city's Housing Trust Fund to iron out details prior to zoning permit application.

**II. Conditions of Approval**

None for sketch plan review.