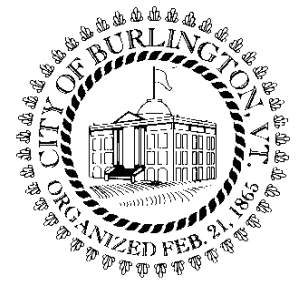


Department of Permitting and Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
<http://www.burlingtonvt.gov/PZ/>
Telephone: (802) 865-7188
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*William Ward, Director
Theodore Miles, Code Compliance Officer
Charlene Orton, Permitting and Inspections Administrator
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Joseph Cava, Planning Technician
Celeste Crowley, Permit Administrator*



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: November 15, 2022
RE: 187 South Champlain Street; ZP 22-466

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: ZP-22-466

Location: 187 South Champlain Street

Zone: FD5 **Ward:** 5S

Parking District: Mixed Use Multi Modal

Date application accepted: August 11, 2022 (incomplete)

Applicant/ Owner: Max Madalinski, Burlington Parks, Recreation and Waterfront Department / City of Burlington

Request: Renovations to City Pocket Park. Includes: Replacement and relocation of playground, installation of park light and associated electrical, installation of tables/benches/bike racks, grading, and construction of a concrete walkway and seating area.

Background:

- **Zoning Permit 98-429;** Improvements to existing park including play equipment, lighting, benches, etc. April 1998.

Overview:

187 South Champlain Street is within Form District 5, and identified as a Civic site. Article 6 does not apply; rather **Sections 14.3.6 – G Pocket Park** and **14.7.1(f)** of Article 14 (Form Code.)

The **Design Advisory Board** reviewed the application at their October 25, 2022 meeting and voted unanimously to recommend approval of the project.

Recommended motion: Consent approval, per the following Findings and Conditions:

I. Findings

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

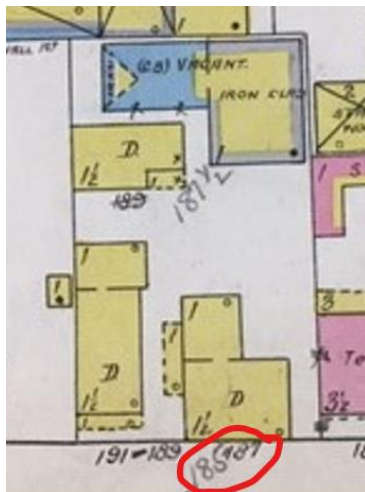
187 South Champlain Street is an existing lot. The 1919 Sanborn Map illustrates a single parcel (included 189-191 South Champlain Street) with three residential dwellings and a large concrete and iron-clad outbuilding. By the 1930s, the single dwelling at 187 South Champlain Street was a duplex, and the rear outbuilding was gone. By 1952, the duplex at 187-189 was gone, and a playground area is noted on the site. **Affirmative finding.**

Section 5.2.2 Required Frontage or Access

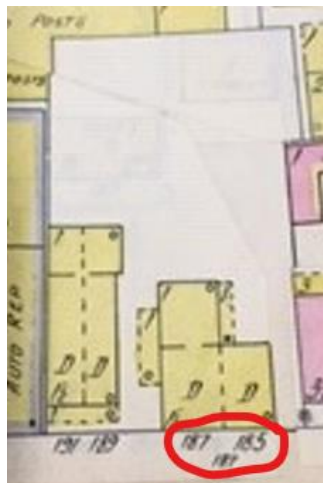
187 South Champlain Street has direct access to the public way and city sidewalks. **Affirmative finding**

Section 5.2.3 Lot Coverage Requirements

See Section 14.3.6. (b), Civic Spaces.



Sanborn map 1919



June 1930



July 1952

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

See Section 14.3.6.G.

Section 5.2.6 Building Height Limits

No buildings are proposed. Not applicable.

Section 5.2.7 Density and Intensity of Development Calculations

Not applicable.

Part 3: Non Conformities

Not applicable.

Sec. 5.4.8 Historic Buildings and Sites

Not applicable

Section 5.5.1 Nuisance Regulations

As City property, parcel upkeep and monitoring will be consistent with other public parks.

Affirmative finding

Section 5.5.2 Outdoor Lighting

Lighting may not exceed 0.1 footcandles measured 20' beyond the property line. The applicant has provided a revised photometric that assures compliance. **Affirmative finding**

Section 5.5.3 Stormwater and Erosion Control

If the installation of the stone base/rubberized playground surface will disrupt more than 400 sf, an EPSC will be required with approval by the Stormwater Team prior to issuance of a zoning permit. **Affirmative finding as conditioned.**

Section 5.5.4 Tree Removal

Not applicable.

Article 14: Plan BTV Downtown Code

Section 14.3.6 Civic Spaces

(a) Purpose & Applicability

The purpose of this subsection is to provide a diverse palette of parks and other publicly accessible Civic Spaces for use within the Form Districts as essential components of walkable urban environments and vibrant community centers. The standards established in this Subsection shall be applicable to the development all proposed Civic Spaces within a Form District either independent from or in combination with other forms of development, and shall be considered independent from the standards found within each Form District.

Civic Spaces established in this subsection are intended to be created independent from or in combination with other Civic Space Types and/or Building Types. The process regarding the review of newly proposed, or alteration to existing, Civic Spaces shall be as provided in Section 14.7.1 f).

(b) Civic Space Types:

- i. **Location:** The Form District(s) in which the Civic Space type is allowed.*
- ii. **Size:** The range of allowed sizes of the Civic Space type.*
- iii. **Frontage:** The relationship along property lines of a Civic Space to Adjacent Buildings or Lots. The front of the Lots attached to or across a Thoroughfare from a Civic Space should face on to the Civic Space to the maximum extent possible.
 - A. **Building.** Lots that are attached to or across a thoroughfare from a Civic Space listed as having a "Building" frontage shall have the front of the Lot Facing on to the Civic Space for a minimum of three quarters of the Civic Space perimeter.**

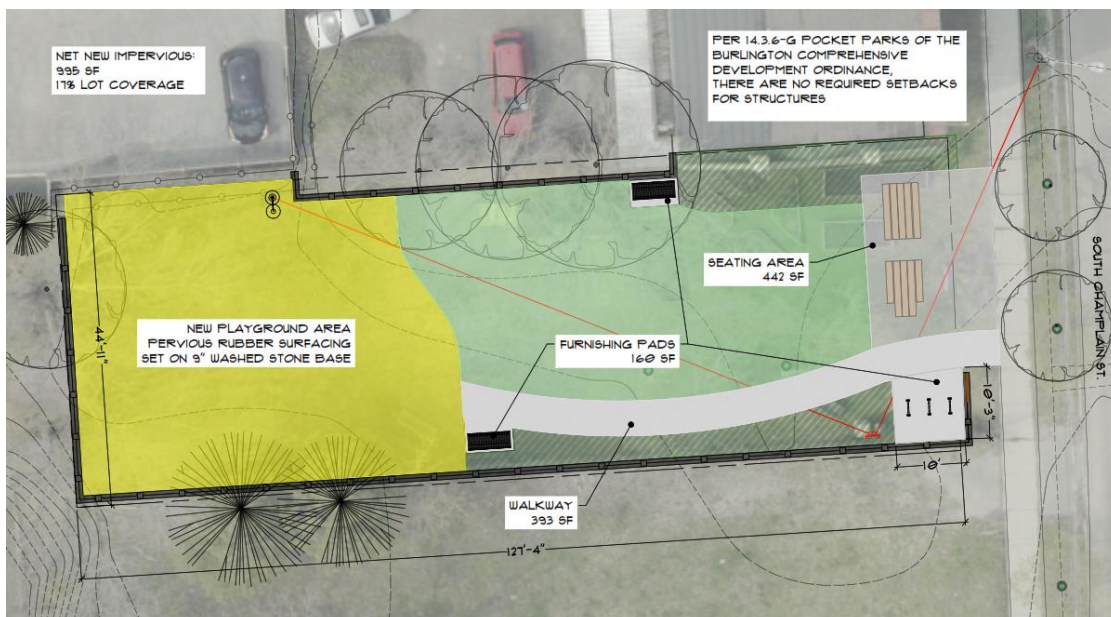
- B. *Independent.* Lots that are attached to or across a Thoroughfare from Civic Space listed as having an “Independent” frontage may have the front, side street, or rear of the Lot facing on to the Civic Space.
- iv. **Form.** *The placement and Disposition of objects within the Civic Space.*
 - A. *Natural.* Civic Spaces with a “Natural” character are designed in a natural manner with no formal arrangement of elements.
 - B. *Formal.* Civic Spaces with a “Formal” character have a more rigid layout that follows geometric forms and has Trees and other elements arranged in formal patterns.
 - C. *Informal.* Civic Spaces with an “informal” character have a mix of both Formal and Natural characteristics.
- v. **Coverage.** *The allowed proportion of Impervious Surface within the Civic Space type.*
- vi. **Typical Facilities:** *A list of the typical facilities found within the Civic Space. This list is not intended to be a complete list of facilities allowed nor is it intended that every Civic Space would contain each of the facilities listed. Where allowed, Buildings, Structures, and commercial concessions within a Civic Space Type shall be Accessory to the overall Civic or recreational function of the Civic Space type. Any commercial concessions shall require a license approved by the Parks, Recreation and Waterfront Director or the City Council as applicable.*

14.3.6-G Pocket Park

Intent: *a small, predominantly green Open Space available for unstructured passive recreation.*

Specifications:

Form District	FD5, FD6 (FD5)
Size	500 sf minimum, 0.5 acre maximum (5,835 sf)
Frontage	Independent (faces South Champlain Street)
Character	Formal



There are existing trees within the green belt, and along the abutting property to the north. The improvements will include a gently arcing walkway from an aggregate-surfaced seating area to the playground at the rear of the lot.

Coverage **0% minimum – 50% maximum** (17% reported. Rubberized surface over washed stone considered pervious by Stormwater Program.)
Structures **600 sf maximum in aggregate** (no structures other than seating area: 442 sf)
Setback for Structures **none**
Affirmative finding.

Section 14.7.1 Applying for a Zoning Permit: Submission Requirements and Review
f) Review and Approval of Civic Spaces and Civic Buildings.

The creation of new Civic Spaces or Civic Buildings, or the Substantial Modification¹ of an existing Civic Space or Civic Building, shall follow the process as defined below. Any other proposed alteration to an existing Civic Space or Civic Building shall be reviewed and approved by the Administrative officer who shall ensure ongoing compliance with the intent and standards of this Chapter as applicable.

Because of their important civic nature and public use, the design and form of a new or Substantial Modified Civic Space or Civic Building shall be determined after:

- *Pre-application review and consultation with the departments of City Planning, Permitting and Inspections, Community and Economic Development, and Parks, Recreation and Waterfront;*
- *A pre-application Neighborhood Public Meeting pursuant to Section 3.2.1 (d) of the BCDO;*
- *Review and recommendation of the Design Advisory Board; and*
- *Final review and approval by the Development Review Board.*

Consultation with the Departments of Permitting and Inspections (8.17.2022)
CEDO (9.22.2022),
Parks, Recreation and Waterfront (applicant team);
Confirmation by email of consultation with the Office of City Planning (rec'd 10.14.2022.)

The application includes confirmation of NPA attendance as follows:
-NPA Wards 2-3 October 14, 2021 and May 12, 2022

¹ Section 14.8: Glossary

Substantial Modification: Any demolition, deconstruction, relocation, rehabilitation, or redevelopment of an existing Building, Structure, Frontage, Development, Improvement, Site, Lot or other appurtenance thereto that, as determined by the Zoning Administrative Officer:

1. Exceeds fifty percent (50%) or more of the pre-development assessed value of the Structure or Building;
2. Involves an improvement or modification of fifty percent (50%) or more of the Lot Area exclusive of any Building or Structure; or;
3. Modifies thirty percent (30%) or more of the Building Façade located within the maximum required Front Setback.

- NPA Ward 5 October 21, 2021 and April 19 or 21, 2022
- NPA Ward 6 October 7, 2021 and May 5, 2022.

Affirmative finding

In its discretion to approve a new Civic Space or Civic Building, the Development Review Board, after a Public Hearing, shall consider and reach an affirmative finding on each of the following:

- i. Conformance with the adopted land use and development plans for the area as identified in the Municipal Development Plan;*
- ii. Consistency with:*
 - A. The purpose of this ordinance;*
 - B. The intent of the Form District where the project is located;*
 - C. The purpose of Civic Spaces generally; and*
 - D. The intent of the Civic Space Type being proposed; and*
- iii. That the proposed Civic Space or Civic Building as designed provides a positive public benefit and enhancement to the community and the context within which it is proposed.*

Affirmative finding with DRB concurrence.

II. Conditions of Approval

- 1. As more than 400 sq. ft. will be disturbed, an Erosion Prevention and Sediment Control Plan shall be submitted to the Stormwater program for review and approval **prior to release of the zoning permit.****
- 2. Standard Permit Conditions 1-15.**

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