

Department of Permitting and Inspections

Zoning Division

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: February 21, 2023
RE: ZP-23-27; 655 Spear Street

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-23-27

Location: 655 Spear Street

Zone: I **Ward:** 6S

Parking District: Shared Use

Date application accepted:

Applicant/ Owner: Claire Forbes / University of Vermont & State Agricultural College

Request: Proposed demolition, removal, and disposal of UVM's BioResearch Laboratory building. Site will be seeded, and a silt fence installed to protect wetland buffer.



Background:

- **Zoning Permit 96-446;** Installation of two 25'X 48'X 9' Greenhouses immediately to the north of the existing greenhouse for research and experimental purposes. April 1996.
- **Zoning Permit 93-014** Relocation of 18'X 48' (9' High) greenhouse from the Hills Science building to the Bio-Research complex near the Entomology Lab. July 1992.

Overview:

Proposed demolition, removal, and disposal of UVM's BioResearch Laboratory building. Site will be seeded, and a silt fence installed to protect wetland buffer.

The University of Vermont is an educational institution and, therefore, is subject to only limited zoning review per 24 VSA, Sec. 4413, *Limitations on municipal bylaws*. This application may be reviewed only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements. *and only to the extent that regulations do not have the effect of interfering with the intended functional use.*

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

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

The administrative officer is authorized to deny all zoning permits or certificates of occupancy for any property with an uncorrected zoning violation (i.e. notice of zoning violation and/or municipal complaint ticket has been issued and is not under appeal.) The administrative officer is also authorized to deny all zoning permits for any property with an expired zoning permit without a final certificate of occupancy.

Instead of withholding or denying a zoning permit, the administrative officer may grant such permit subject to the condition that the uncorrected zoning violation is corrected or the expired zoning permit is closed out with a final certificate of occupancy. Such actions) shall take place before the issuance of a final certificate of occupancy on the new permit.

The applicant has two open permits for this parcel (re-numbered under *Open Gov*, but matching the project descriptions defined under “Background”, above):

ZP-1996-145	Zoning Permit	Apr. 10, 1996	ACTIVE
ZP-1992-266 29707 – PROJECT...	Zoning Permit	Jul. 8, 1992	ACTIVE

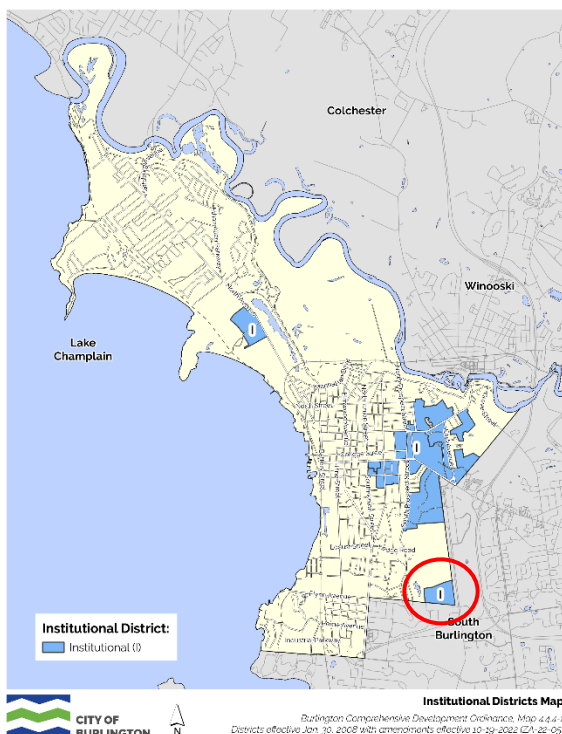
Both must be closed out and issued a Certificate of Occupancy prior to securing a CO for this application. **Affirmative finding as conditioned.**

Article 4: Zoning Maps and Districts
Sec. 4.4.4 Institutional District

(a) Purpose:

The Institutional District (I) as illustrated in Map 4.4.4-1 allows for increased development scale and intensity than would typically be found in the adjacent residential districts to support continued growth and flexibility of the city’s major public and higher education and health care institutions within their respective institutional missions. New development is intended to be sensitive the historic development pattern of the existing campuses as well as the surrounding residential neighborhoods.

This district is intended to support a broad range of related uses reflecting the resident institutions’ roles as either regional education, health care, cultural and research centers or municipal educational facilities. Buildings should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sensitive transitions between adjacent lower scale residential and open space areas and larger scale institutional development should be provided. Sites should be designed to be pedestrian friendly and encourage walking between buildings. Where parking is provided onsite, it is intended to be hidden behind, to the side, within, or underneath structures.



(b) Dimensional Standards and Density:

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.4 -1 Dimensional Standards and Density

Districts	Max. Intensity	Max. Lot Coverage ¹	Building Setbacks ¹ (feet)			Max. Height ¹ (feet)
			Front ²	Side ³	Rear ³	
Institutional	20 du/ac (24 du/acre with inclusionary req.)	40% (48% with inclusionary req.)	<u>Minimum:</u> 15-feet	10% of lot width <u>Min:</u> 5-ft <u>Max required:</u> 20-feet	25% of lot depth <u>Min:</u> 20-feet <u>Max required:</u> 75-feet	35'
655 Spear Street Application	n/a	10.97%	<u>n/a</u>	n/a	n/a	n/a

1 –Measurement of and exceptions to coverage, setback and height standards are found in Art 5.

2 –The calculation of the front yard setback shall be a percentage of lot width and depth or as defined and described in Art 5.

3 – Maximum allowable lot coverage, setbacks and building height in portions of this district may be modified by the provisions of the Institutional Core Campus Overlays in Sec. 4.5.2, where applicable.

Affirmative finding.

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Institutional district shall be as defined in Appendix A – Use Table and as modified by provisions of the Institutional Core Campus Overlays in Sec. 4.5.2 where applicable.

There are no requested changes of use; the application is for demolition and removal of the former Bioresearch lab building. **Affirmative finding.**

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

Not applicable.

Section 5.2.2 Required Frontage or Access

No changes are proposed to access. Not applicable.

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.4 -1, above.

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

With building removal, there are no implications for setbacks. **Affirmative finding.**

Section 5.2.6 Building Height Limits

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

The building is not listed on the state or National Register of Historic Resources.

Not applicable.

Article 6: Development Review

Part 1: Land Division Design Standards

No land division is proposed. Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a)Protection of Important Natural Features:

The demolition site is close to a wetlands buffer. The plan includes protection of the identified wetland buffer, with installation of silt fence for erosion control and barrier fencing. See Plan C-3.0. **Affirmative finding.**

(b) Topographical Alterations:

The application proposes to remove and dispose of existing building, slab, foundation/footing. Materials will be recycled or disposed, as appropriate. Fill will be added as necessary to provide smooth and positive sloping subgrade. 4” of topsoil will then be added; with seeding and mulch to complete the site. An Erosion Prevention and Sediment Control Plan is required; approval by the Stormwater Program engineer a condition of approval. **Affirmative finding as conditioned.**

(c) Protection of Important Public Views:

Not applicable.

(d) Protection of Important Cultural Resources:

Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city’s or the region’s pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

Not applicable.

(f) Brownfield Sites:

Not applicable.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

The plans include installation of Silt fence and barrier fencing to protect the adjacent wetland buffer. An EPSC plan will be required as more than 400 sf will be disturbed as part of this project. **Affirmative finding as conditioned.**

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

Not applicable.

(h) Building Location and Orientation:

Not applicable.

(i) Vehicular Access:

No change to existing. **Affirmative finding.**

(j) Pedestrian Access:

No change to existing. **Affirmative finding.**

(k) Accessibility for the Handicapped:

Not applicable.

(l) Parking and Circulation:

Plan C.3.0 is entitled *Bioresearch Complex Parking Improvements*; however this application is focused on building and tree removal removal only. If any changes are proposed to the complex parking arrangement, the applicant shall more specifically define. Parking changes shall be incorporated into the Joint Institutional Parking Management Plan. **Affirmative finding as conditioned.**

(m) Landscaping and Fences:

Silt and barrier fencing is proposed to prevent runoff and to protect the wetland buffer. The site is intended to be graded; new topsoil added with the area seeded and mulched to create green space. **Affirmative finding.**

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

Not applicable.

(p) Integrate infrastructure into the design:

Not applicable.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

Not applicable.

Article 8: Parking

There are no longer any minimum parking standards per Zoning Amendment ZA22-07. There are no requested changes to the existing parking arrangement within the submission. **Affirmative finding.**

II. Conditions of Approval

1. Per **Section 2.7.8, Withhold Permit**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. Two open permits are identified, requiring a Certificate of Occupancy. See Section 2.7.8, above.
2. An Erosion Prevention and Sediment Control plan shall be submitted and is subject to review and approval by the Stormwater Engineer **prior to release of the zoning permit.**
3. All materials shall be disposed of in a safe and legal manner. The applicant shall work with the Vermont Department of Health / Asbestos and Lead program to assure safe removal and disposal of any hazardous materials prior to demolition.
4. If any changes are proposed to the complex parking arrangement, the applicant shall more specifically define. Parking shall be updated within the Joint Institutional Parking Management Plan, as appropriate.
5. Standard Permit Conditions 1-15.

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