

Department of Permitting & Inspections

Zoning Division
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TO: Development Review Board
FROM: Scott Gustin
DATE: April 5, 2022
RE: ZP-22-88; 147 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.

Zone: I Ward: 8E

Owner/Applicant: University of Vermont

Request: Construction of a 4,640 sf team support building and related site work. Originally permitted with Virtue Field project but not constructed.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking)

Background Information:

The applicant is seeking approval to construct a team support building adjacent to Virtue Field within UVM's athletic campus. This building was included in the original 2014 zoning permit for the Virtue Field project but was not constructed. The applicant is seeking approval anew in anticipation of construction this coming spring and summer. The building and related site improvements appear largely as originally approved in 2014.

This development is within an educational institution and is, therefore, 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.

Previous zoning permit activity:

- 9/7/18, Approval for freestanding sign
- 6/8/17, Approval to replace two cooling towers
- 8/4/16, Approval to install wall-mounted light fixtures
- 1/23/14, Approval for Virtue Field project
- 6/17/11, Approval to install artificial turf playing field
- 5/4/10, Approval to install new running track and associated equipment building
- 6/7/03, Approval for improvements to Archie Post Field
- 3/12/02, Approval for snow roof snow guards

- 2/19/02, Approval of 3-level parking garage
- 8/2/99, Approval of modifications to previously approved Gutterson renovations
- 8/13/98, Approval of 18,000 sf addition to Gutterson Field House
- 6/29/98, Approval to install new roof
- 10/13/94, Approval to extend the recreational path

Recommendation: **Consent Approval** as per, and subject to, the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

The zoning permit records for this property show that there is one previous zoning permit (19-0153SN) that has expired without issuance of its required certificate of occupancy. Per this section, this zoning permit must be closed out with a final certificate of occupancy prior to issuance of a certificate of occupancy for this new zoning permit. **(Affirmative finding as conditioned)**

Article 3: Applications, Permits, & Project Reviews

Part 3: Impact Fees

Sec. 3.3.2, Applicability

The new building will require payment of impact fees based on the gross floor area of the structure. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.4, Institutional District:

(a) Purpose

The Institutional District is intended to provide for increased development scale and intensity than would be found in adjacent residential areas and to provide for a variety of uses associated with higher education, health care, and cultural and research centers. The proposed team support building is part of the University’s athletic facility, and the use will remain unchanged. **(Affirmative finding)**

(b) Dimensional Standards & Density

See Sec. 4.5.2.

(c) Permitted & Conditional Uses

See Sec. 4.5.2.

Sec. 4.5.2, Institutional Core Campus Overlay Districts

(f) District Specific Regulations: UVM South of Main Street Campus (ICC-UVMS)

1. Lot Coverage

Within this overlay district, a maximum aggregate lot coverage of 60% is allowed. Lot coverage will increase from an existing 42.39% to 42.55%. **(Affirmative finding)**

2. Setbacks

Side and rear setback requirements pertain to the periphery of the overlay district. The proposed building is far from the peripheral boundaries of the overlay. A 15’ front yard setback along Spear

Street applies. The proposed construction is significantly further than 15' away from Spear Street. **(Affirmative finding)**

3. Development Buffer

The proposed development does not infringe on the Development Buffers at the northwestern end of the overlay district. **(Affirmative finding)**

4. Surface Parking

No new surface parking is included in this proposal. **(Affirmative finding)**

5. Building Height

The proposed development is not located within the ICC-UVMS Height Overlay. As a result, buildings are limited to the height of the tallest existing structure as of January 1, 2008 and located within the ICC-UVMS District. The height of the support building is about 16' at the midpoint of the roof rise. This height is significantly below the height of other buildings within the district, including the University Heights dormitories at 50' tall. **(Affirmative finding)**

6. Density

The proposed development is not subject to the non-residential density equivalent set forth in Sec. 5.2.7 (a) 2. **(Affirmative finding)**

7. Uses

Within the ICC-UVMS district, post-secondary schools shall be treated as permitted uses. The project is part of the University, and the use will remain unchanged. This proposal relates to an existing athletic field associated with the University, and no change in use is included in this project. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.5.2.

Sec. 5.2.4, Buildable Area Calculation

This criterion does not apply to properties in the I zone. **(Not applicable)**

Sec. 5.2.5, Setbacks

See Sec. 4.5.2.

Sec. 5.2.6, Building Height Limits

See Sec. 4.5.2.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.5.2.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

Outdoor lighting includes previously approved walkway lighting and exterior building-mounted fixtures. No changes to the walkway lighting are proposed. The photometric plan includes both the walkway lighting and building-mounted lighting. Acceptable lighting levels are depicted around the building. Fixture locations are noted on the building elevation plans. Building mounted lighting fixtures are specified in the lighting plan, but an actual cut sheet is missing and needed. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

The erosion prevention and sediment control plan for this project has been reviewed and approved by the city's stormwater program. The post-construction stormwater management plan is under review, although it bears noting that the prior post-construction stormwater approval of the original Virtue Field permit included this building. **(Affirmative finding as conditioned)**

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

There are no important natural features within the project area. The site is grassy with existing athletic facilities. **(Affirmative finding)**

(b) Topographical alterations

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of important public views

Not applicable per 24 VSA, Sec. 4413.

(d) Protection of important cultural resources

Not applicable per 24 VSA, Sec. 4413.

(e) Supporting the use of alternative energy

Not applicable per 24 VSA, Sec. 4413.

(f) Brownfield sites

Not applicable per 24 VSA, Sec. 4413.

(g) Provide for nature's events

Not applicable per 24 VSA, Sec. 4413. The city's stormwater standards under Chapter 26 continue to apply.

(h) Building location and orientation

Not applicable per 24 VSA, Sec. 4413.

(i) Vehicular access

Not applicable per 24 VSA, Sec. 4413.

(j) Pedestrian access

Not applicable per 24 VSA, Sec. 4413.

(k) Accessibility for the handicapped

Not applicable per 24 VSA, Sec. 4413. Accessibility requirements under the City's building code continue to apply.

(l) Parking and circulation

No new parking is required or proposed for this development. **(Affirmative finding)**

(m) Landscaping, fences, and retaining walls

Little in the way of new landscaping is proposed. Some turf areas will be retained, and a new mulched landscaping bed is proposed near the northwest corner of the proposed building. New ornamental metal fencing and related gates are proposed to control circulation and access into the site. A section of black vinyl coated chain link fence is proposed just to the south of the building. A short section of concrete retaining wall is proposed at the northeast corner of the building and is related to an access way into the building. Another short section of retaining wall is located near the northeast corner of the building. **(Affirmative finding)**

(n) Public plazas and open space

No new public plazas or open space are included in this proposal, nor are they required. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No new ground-mounted mechanical equipment is proposed. If any is proposed, it must be depicted on the project plans and screened. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The proposed building is basic in appearance and reflects its intended utilitarian functions as locker rooms, rest rooms, and a concession area. It is relatively small in scale, particularly in relation to the much larger Gutterson Field House nearby. The building mass is split into two distinct sections with the low sloped roof split similarly. Glazing is limited and acceptable given the intended interior functions. **(Affirmative finding)**

2. Roofs and Rooflines

Not applicable per 24 VSA, Sec. 4413.

3. Building Openings

Not applicable per 24 VSA, Sec. 4413.

(b) Protection of important architectural resources

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of important public views
Not applicable per 24 VSA, Sec. 4413.

(d) Provide an active and inviting street edge
Not applicable per 24 VSA, Sec. 4413.

(e) Quality of materials
Not applicable per 24 VSA, Sec. 4413.

(f) Reduce energy utilization
Not applicable per 24 VSA, Sec. 4413.

(g) Make advertising features complimentary to the site
No new exterior signs are included in this proposal. **(Not applicable)**

(h) Integrate infrastructure into the building design
No new rooftop mechanical equipment is proposed. The roof plan depicts several plumbing risers and mechanical flue vents. **(Affirmative finding)**

(i) Make spaces safe and secure
The proposed building must provide adequate egress as required by the building code. Entries will be illuminated. **(Affirmative finding)**

Article 8: Parking

The proposed team support building is accounted for in the currently approved Joint Institutional Parking Management Plan. As noted above, no additional parking is to be constructed in this project. **(Affirmative finding)**

II. Conditions of Approval

1. Per **Section 2.7.8, Withhold Permit**, all zoning permits issued after July 13, 1989 must be closed out (issued a Certificate of Occupancy) prior to issuance of a Final Certificate of Occupancy for this permit. Upon expiration of this new zoning permit, no additional zoning permits may be issued until it, and all prior zoning permits, have been closed out with final certificate(s) of occupancy. It is recommended that certificates of occupancy for the old zoning permits be sought prior to seeking a certificate of occupancy for the new zoning permit.
2. **Prior to release of the zoning permit**, cut sheets for the proposed building mounted exterior lighting fixtures shall be provided, subject to staff review and approval.
3. **At least seven (7) days prior to issuance of a certificate of occupancy**, impact fees based on the gross floor area of the new building shall be paid to the Department of Permitting & Inspections.
4. Any new utility lines must be buried.
5. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required.
6. Standard permit conditions 1-15.