

## Department of Permitting & Inspections

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** March 8, 2022  
**RE:** ZP-21-700; 43 Starr Farm Road

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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: RL Ward: 4N

Owner/Applicant: Birchwood Prop, LLC / Michael Koch

**Request:** Parking expansion and related maximum parking space waiver.

### **Applicable Regulations:**

Article 2 (Administrative Mechanisms), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

### **Background Information:**

The applicant is seeking approval to construct additional surface parking. A waiver of the maximum parking standards in Article 8 of the CDO is needed in order to do so. A similar proposal was reviewed and approved by the Development Review Board in January 2019. That project to increase from 54 to 75 parking spaces has been constructed. In the meantime, the lot coverage standards in the CDO associated with senior housing have been revised to match those for inclusionary housing. The January 2019 approval was limited by the then-lower lot coverage limit and did not fully address the applicant's requested parking. The applicant is now seeking a follow-up approval for 23 additional parking spaces possible under the current lot coverage limit.

This application was originally scheduled for DRB review December 7, 2021 but was deferred to allow the applicant additional time to address outstanding matter relating to parking and transportation demand management.

Previous zoning actions for this property are noted below:

- 8/18/20, Approval for a freestanding sign
- 9/2/20, Approval for residing the building
- 1/8/19, Approval of parking expansion and related maximum parking waiver
- 9/15/14, Approval to replace access ramp with new
- 8/13/12, Approval to replace sign
- 4/2/12, Approval to replace sign
- 10/19/10, Approval for wall-mounted LED light fixtures
- 8/13/10, Approval to construct courtyards, storage shed, gazebo, and fence
- 6/17/03, Approval to install emergency generator

- 4/3/02, Approval to construct pavilion
- 11/14/00, Approval to replace canopy
- 5/20/97, Approval to install sign
- 11/2/92, Approval of adult daycare
- 10/8/92, Approval to install storage shed and additional fencing
- 8/24/92, Approval to replace fencing
- 6/4/85, Approval to enclose covered entry
- 8/11/82, Approval to install chain link fence
- 7/30/82, Approval to replace flat roof with pitched roof
- 9/21/79, Approval to relocate dishwashing area
- 4/16/74, Denial to construct medical services building
- 4/17/73, Approval to construct a 50' X 59' addition
- 5/19/70, Approval to construct a 1,200 sf front entry addition
- 5/20/69, Approval to construct a 50-bed addition
- 10/15/68, Approval to construct a 100-bed addition
- 3/28/67, Approval to construct a 1,500 sf kitchen addition
- 10/19/65, Approval to construct a 48' X 90' addition
- 1/24/64, Amended approval to construct a nursing home
- 5/29/63, Approval to construct a nursing home

**Recommendation:** Denial per the adverse findings below.

## I. Findings

### Article 2: Administrative Mechanisms

#### *Sec. 2.7.8 Withhold Permit*

Most of the old zoning permits for this property have been closed out with certificates of occupancy since the January 2019 zoning permit approval. Two additional zoning permits have since expired without certificates of occupancy. These zoning permits (19-0479SN for signage & 19-0468CA for additional parking and maximum parking waiver) must be closed out with final certificates of occupancy prior to closing out this new zoning permit with a certificate of occupancy. **(Affirmative finding if conditioned)**

### Article 4: Maps & Districts

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

##### *(a) Purpose*

##### *(1) Residential Low Density (RL)*

The subject property is located in the RL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes. Some other residential uses, such as this convalescent facility, are allowed as conditional uses. No change or expansion of use is proposed. **(Affirmative finding)**

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

No change in residential density is proposed.

Lot coverage will increase to 43.2%. This coverage is allowable per the provisions of Sec. 4.4.5 (d) 6 B, which allows up to 44% lot coverage for senior housing facilities.

With frontage along three city streets, the property has three front yards and just one side yard. Two front yard setbacks, along North Avenue and Starr Farm Road, affect this proposal. The proposed parking is located in the northeast corner of the property and complies with the front yard setbacks.

Building height remains unchanged. **(Affirmative finding)**

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

The convalescent home is a conditional use in the RL zone. No change or expansion of use is proposed. **(Affirmative finding)**

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

***1. Setbacks***

No setback encroachments are sought. **(Not applicable)**

***2. Lot Coverage***

No lot coverage exceptions are being sought. **(Not applicable)**

***3. Accessory Residential Structures and Uses***

**(Not applicable)**

***4. Residential Density***

**(Not applicable)**

***5. Uses***

No neighborhood commercial use is included in this proposal. **(Not applicable)**

***6. Residential Development Bonuses***

See Sec. 4.4.5 (b) as to additional lot coverage allowance for senior 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***

The subject property does not contain steep slopes or wetlands. The lot is composed entirely of buildable area. **(Affirmative finding)**

***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. 4.4.5 (b) above.

***Sec. 5.5.1, Nuisance Regulations***

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

***Sec. 5.5.2, Outdoor Lighting***

New outdoor lighting is proposed for illumination of the expanded parking area. The photometric plan depicts acceptable fixture locations and illumination levels. Mounting heights are noted and are acceptable. An actual depiction of the proposed fixture is lacking and is needed.

**(Affirmative finding if conditioned)**

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

The required erosion prevention and sediment control plan has been reviewed and approved by city stormwater program staff. Existing subsurface stormwater storage chambers will accommodate runoff from the expanded surface parking. **(Affirmative finding)**

**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 subject property contains no important natural features as defined in the Open Space Protection Plan. The area to be paved is currently grassy lawn. The proposed site plan depicts a single honey locust tree that will be relocated or replaced. It will be more than offset with additional new landscaping as part of the project. **(Affirmative finding)**

***(b) Topographical alterations***

The property is essentially flat and will remain so. **(Affirmative finding)**

***(c) Protection of important public views***

The subject property is not affected by any identified public view corridor. **(Affirmative finding)**

***(d) Protection of important cultural resources***

The property contains no known archaeologically significant features. **(Affirmative finding)**

***(e) Supporting the use of alternative energy***

This application contains no provision for alternative energy utilization, nor does it adversely affect potential for such utilization on the subject or neighboring properties. **(Affirmative finding)**

***(f) Brownfield sites***

The subject property is not an identified brownfield. **(Affirmative finding)**

***(g) Provide for nature's events***

See Sec. 5.5.3 for stormwater management.

Sufficient area remains onsite for seasonal snow storage. **(Affirmative finding)**

***(h) Building location and orientation***

**(Not applicable)**

*(i) Vehicular access*

Vehicular access will remain unchanged. Private driveways will provide access to the site.

**(Affirmative finding)**

*(j) Pedestrian access*

Pedestrian access remains unchanged. The building's primary entrance abuts the public sidewalk along Starr Farm Road. **(Affirmative finding)**

*(k) Accessibility for the handicapped*

Handicap accessibility features are present onsite. No changes to them are associated with this proposal. **(Affirmative finding)**

*(l) Parking and circulation*

The proposed increase of 23 parking spaces comes with a requirement for shade trees. Specifically, one new shade tree for every 5 additional parking spaces is needed. The goal is to provide shade to 30% of the additional parking area. There is no shading analysis with this application except for a memo explaining why a couple of potential trees are not proposed where they may block outdoor lighting. **(No finding possible)**

See Article 8 below as to parking standards.

*(m) Landscaping, fences, and retaining walls*

As noted above, a single tree that was planted as part of the previous parking lot expansion will be relocated or replaced. The existing line of trees and shrubs along the North Avenue and Starr Farm Road frontages will be retained. These plantings are intended to screen the surface parking from said public streets. The new landscaping is a continuation of existing landscaping done with the prior parking lot expansion. Several new honey locust trees are proposed within and adjacent to the parking area, as are a variety of perennial lilies. **(Affirmative finding)**

*(n) Public plazas and open space*

No public plaza or open space is included or required in this proposal. **(Not applicable)**

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

No new ground mounted mechanical equipment is included in the project plans. **(Not applicable)**

***Part 3, Architectural Design Standards***

***Sec. 6.3.2, Review Standards***

**(Not applicable)**

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

The subject property is located within the Neighborhood Parking District (the Multimodal Mixed-Use Parking District stops just shy of this property along North Avenue). Within that district, the minimum parking requirement for a convalescent/nursing home is 1 parking space per 4 beds. In

this case, the facility is permitted for 160 beds and requires at least 40 parking spaces. The property is permitted for 75 spaces but contains just 73 parking spaces. **(Affirmative finding)**

#### ***Sec. 8.1.9, Maximum Parking Spaces***

This section limits surface parking to 125% of the Neighborhood Parking District minimum parking requirement. In this case, the maximum permissible parking for a 160-bed convalescent/nursing home is 50 spaces. Given that 98 spaces are proposed, a maximum parking waiver is required.

#### ***4. Waiver of Maximum Parking Limitations***

##### ***A. The applicant requesting the waiver shall also provide:***

*(i) A peak demand parking study for two similar uses in the area; and,*

A parking analysis has been provided. It is the same one as submitted for the 2019 maximum parking waiver but remains pertinent to the current request. The analysis includes the subject property and two other area nursing homes. The current parking ratio at the subject facility is 0.425. The expressed need is 0.6. The other two facilities, Starr Farm Nursing Center and Green Mountain Nursing have ratios of 0.66 and 0.932, respectively. **(Affirmative finding)**

*(ii) A TDM Plan pursuant to the requirements of Sec. 8.1.16*

See Sec. 8.1.16 below.

##### ***B. The following additional criteria shall be addressed regarding how:***

*(i) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;*

On-street parking is not allowed along Starr Farm Road or the nearby stretch of North Avenue. Most neighboring uses are single family homes. The nearby public school has its own parking challenges without surplus to share. **(Affirmative finding)**

*(ii) The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity;*

The disparity between parking demand and parking availability contributes to a significant use of alternative transportation. The parking analysis asserts that 20% of employees already use transportation other than single occupancy vehicles. This figure should be updated to reflect current conditions. The property is served by public sidewalks, a nearby GMT bus stop, and onsite bike parking. The parking management plan recommends that the applicant formalize measures to encourage alternative transportation measures to lessen onsite parking demand. Recommended new measures include providing bus pass credits, incentivizing carpools, staggering work shifts and pursuing at least a 1-year membership with CATMA. Not all of these measures are contemplated in the January 26, 2022 TDM memo submitted for this application. Implementation of all recommendations per Sec. 8.0, Parking Management Plan, of the RSG parking analysis are prerequisite to the requested maximum parking waiver. Consistency among the measures in a comprehensive TDM plan is needed. **(No finding possible)**

*(iii) The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future.*

Transit supportive use is not a defined term in the city's Comprehensive Development Ordinance. Review of pertinent literature indicates that transit supportive use provides

services or activities which are which are attractive and convenient to transit riders and pedestrians. Practically speaking, the facility is too small and too far removed from the city center to be well served by alternative means of transportation. As noted above, some measures are in place already to encourage use of alternative transportation, and additional steps should be taken to formalize and broaden such measures. Insofar as this particular criterion is concerned, the site could be wholly or partially redeveloped in the future. Such redevelopment could conceivably include transit supportive uses. **(Affirmative finding)**

***Sec. 8.1.10, Off-Street Loading Requirements***  
**(Not applicable)**

***Sec. 8.1.11, Parking Dimensional Requirements***

Parking spaces are striped at 9' X 18' and are consistent with present parking standards. Back up length of 22' is noted, whereas 23' is the standard for 90-degree spaces. Substandard back-up length is allowed under current standards only following consultation with the City Engineer – that has not occurred. Per Sec. 6.2.2 (1), the enlarged parking area shall be bordered by concrete curbing or similar barrier to prevent parking on adjacent green spaces. **(Adverse finding)**

***Sec. 8.1.12, Limitations, Location, Use of Facilities***

*(a) Offsite parking facilities*  
**(Not applicable)**

*(b) Front yard parking restricted*

The proposed parking expansion is compliant with applicable front yard setbacks as noted in Article 4 above. Consistent with this criterion, the new parking is located to the side of the building. Given its placement between the building and the road, screening of the additional parking is required. Screening between the road and the parking was installed as part of the prior parking expansion. **(Affirmative finding)**

*(c) Shared parking*  
**(Not applicable)**

*(d) Single story structures in Shared Use Districts*  
**(Not applicable)**

*(e) Joint use of facilities*  
**(Not applicable)**

*(f) Availability of facilities*

None of the proposed parking will be used for the storage or display of vehicles or materials by offsite users. Parking will be for employees and visitors. **(Affirmative finding)**

***Sec. 8.1.13, Parking for Disabled Persons***

The site plan depicts several existing handicap parking spaces in close proximity to the building's main entrance. Associated striping is also shown. No new ADA spaces are proposed. ADA compliance is administered via the city's building permit process. **(Affirmative finding)**

***Sec. 8.1.14, Stacked and Tandem Parking Restrictions***  
**(Not applicable)**

***Sec. 8.1.15, Waivers from Parking Requirements / Parking Management Plans***  
**(Not applicable)**

***Sec. 8.1.16, Transportation Demand Management***

*(b) Applicability*

As noted in Sec. 8.1.9 above, a TDM plan is required as part of a maximum parking waiver application. A TDM plan has been submitted. **(Affirmative finding)**

*(c) Transportation Demand Management Program*

The applicant has provided a transportation demand management program prepared by WCG that addresses each of the following items.

*a. Outreach and Education:*

The TDM plan notes outreach and education as a plan component; however, necessary details are lacking. It does not actually identify a Transportation Coordinator, nor does the plan specify an annual meeting to present and discuss available TDM strategies and opportunities for increased use and participation. The plan does note annual travel mode and parking surveys with associated annual reporting to the city. **(Adverse finding)**

*b. TDM Strategies:*

Details as to onsite bicycle parking are lacking. Specificity as to long and short term bike parking numbers, where, and how it will be provided is missing.

This criterion requires subsidy for GMT passes and car share memberships for all residents and employees or membership in a transportation management association (such as CATMA) that offers equivalent or better TDM strategies. The applicant's TDM plan proposes neither, citing non-traditional schedules of staff. This criterion requires TDM strategies to include at least one of two options: GMT passes and car share memberships or membership in a TMA that provides equivalent or better TMA strategies than the GMT and car share membership option.

This criterion does not contemplate tenants in a nursing facility. Folks staying at a nursing home are perhaps more appropriately viewed as patients than as residents. In any event, the applicant's proposal is unacceptable. **(Adverse finding)**

*c. Parking Management:*

As with outreach and education, the applicant's TDM plan incompletely addresses the requirements of this criterion. Annual parking utilization studies are noted as required. These must be done for 10 years by the Transportation Coordinator (or by a qualified 3<sup>rd</sup> party) and reported to the city. Priority parking is also noted but does not include all of the required priority spaces (bikes, scooters, and motorcycles as well as handicap spaces). Onsite car share parking may not be required, as the nursing home is not a residential complex. **(Adverse finding)**



*d. TDM Agreement:*

This criterion is included in the proposed TDM Plan but should also be reflected on the TDM form to be provided to the applicant by the city. (**Affirmative finding if conditioned**)

**II. Reasons for Denial**

Per the criteria above noted as “adverse finding” or “no finding possible.”