

**Department of Permitting and Inspections
Zoning Division**

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TO: Development Review Board
FROM: Mary O'Neil
DATE: October 1, 2019
RE: ZP20-0353CA; 10 University Place

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: ZP20-0353CA
Location: 10 University Place (UVM Campus)
Zone: ICC-UVM **Ward:** IE
Parking District: Shared
Date application accepted: September 23, 2019 (late)
Applicant/ Owner: University of Vermont State Agricultural College
Estimated Construction Cost \$300,000.

Request: construct new 69-space parking lot, between Jeffords East lot and the stand of trees near the jug handle. Includes displacement of 2 spaces in the Jeffords East lot for access, resulting in a net new of 67 parking spaces. Removal of non-functioning wind turbine; associated landscaping and pedestrian connections.



Location of proposed parking lot
Beaumont Avenue on the left; East Avenue on the right; Carrigan Drive to the north/top left.

Background:

- **Zoning Permit 19-0875CA**; adding parking spaces; two service spaces and one handicapped accessible parking space. June 2019.
- **Zoning Permit 19-0816CA**; existing paved sidewalks will be reconstructed as concrete. Bike racks will be added, landscaping improved. Ada accessibility routes will be improved. Associated utility upgrades. May 2019.
- **Zoning Permit 19-0683CA**; gravel pads and lighting for outdoor sculptures. April 2019.
- **Zoning Permit 19-0643CA**; complete northerly portion of the Green Mountain Walkway, and pave new concrete walkway. March 2019.
- **Zoning Permit 13-0718SN**; construct new stone wall and install one new externally illuminated freestanding gateway sign on wall with associated landscaping and lighting. Corner of Main Street and Beaumont Avenue. February 2013.
- **Zoning Permit 15-0706CA**; modifications to Carrigan Drive, widening and improvement of turning points, intersection, creation of turnaround. January 2015.
- **Zoning Permit 16-0095CA**; widening parts of concrete walk at Bailey-Howe/Davis Center quad to facilitate shuttle service detour due to construction activities. Total 2,470 new impervious. July 2015.
- **Zoning Permit 14-1320CA**; reconfiguration of existing parking spaces as part of FAHC inpatient building with associated regrading and landscaping. February 2015.
- **Zoning Permit 14-1320CA**; demolition of Chittenden, Buckham, Willis residential complex with redevelopment plans including associated pedestrian amenities.
- **Zoning Permit 00-422 / COA 097-019**; installation of a granite archway (figt of class of 2000) across the existing walkway behind Pomeroy Hall. No illumination. March 2000.
- **Zoning Permit 93-275 / COA 089-107A**; re-approval of installation of two satellite receiving dishes as required in conditions of approval 11.9.1989. Located southeast of Pomeroy and Converse Halls. Approved December 1992; permit relinquished.

Overview: As a companion to the application for an addition to the Health Sciences and Research Facility (HSRF), UVM proposes construction of a new 69-space parking lot east of the existing Jeffords East lot.

Applicable Regulations: Article 2 (Administrative Mechanisms), Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking).

Recommendation: The association between this application and 149 Beaumont Avenue (ZP20-0203CA) requires success in both reviews. If the DRB approves 149 Beaumont Avenue (including the removal of 121 parking spaces), **Certificate of Appropriateness Approval** is recommended for this application.

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. 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.

There are a number of open permits for this parcel, which must receive certificates of occupancy prior to issuance of a final CO for this project.

Affirmative finding as conditioned.

Article 3: Applications, Permits, and Project Reviews:

Part 3: Impact Fees

Section 3.3.3 Exemptions and Waivers

3. Land development, which does not result in new building square footage (e.g. parking lots, façade renovations, signs, etc.)

The parking lot is specifically exempt from Impact Fees. Not applicable.

Article 4: Maps & Districts

Section 4.4.4, Institutional District

(a) Purpose

See Sec. 4.5.2 (d) *District Specific Regulations: Institutional Core Campus Overlay, UVM Central Campus ICC-UVM.*

(b) Dimensional Standards & Density

See Sec. 4.5.2 (d) *District Specific Regulations: UVM Central Campus ICC-UVM.*

(c) Permitted & Conditional Uses

See Sec. 4.5.2 (d) *District Specific Regulations: UVM Central Campus ICC-UVM.*

Sec. 4.5.2 Institutional Core Campus Overlay Districts

(a) Purpose

The Institutional Core Campus Overlay Districts are intended to provide for reasonable future growth for institutions within the core of their respective campuses without further intrusion into surrounding residential neighborhoods. It provides for increased development scale and intensity than would be found in adjacent residential areas and for a variety of uses associated with higher education, health care, and cultural and research centers. The proposed construction of the new parking lot intended to serve the HSRF research addition is consistent with this intent. **Affirmative finding.**

(b) Areas Covered

The proposed construction is located within the *UVM Central Campus ICC-UVM.*

Affirmative finding.

(d) District Specific Regulations: UVM Central Campus ICC-UVM.

1. Transitional Buffer:

- A. *The Transitional Buffer shall include all property within the area as measured from the centerlines of Colchester Avenue, East Avenue, Main Street, and South Prospect Street and extending 150 feet into the ICC-UVM District as delineated on Map 4.5.2-2 UVM/UVMMC ICC Transitional Buffer above.*
- B. *Lot coverage shall not exceed 40% for the aggregate of all land owned by an institution and located within the Transitional Buffer.*
- C. *Unless replaced on site, no housing unit in a residential structure located within the Transitional Buffer shall be demolished or converted to a nonresidential use, except for housing units which are exempt from the provisions of Article 9. Housing Replacement standards of this ordinance shall apply to any such activity.*



The development area is not within the Transitional Buffer of the ICC-UVM overlay. See image, left; faint line shows transitional buffer within ICC-UVM overlay. Parking lot location is center, west of trees.

Not applicable.

2. Lot coverage

Maximum lot coverage shall be applied to the aggregate of all lots owned by the institution and located within the ICC - UVM District. Lot coverage shall not exceed 65% except as provided below.

The maximum lot coverage within the ICC -UVM District may be increased by one percent for each one percent that the Transitional Buffer coverage is less than 40%, up to a

maximum of 70%.

As provided in ZP 19-0875CA, parcel coverage was 50.33%. Proposed lot coverage will be 50.50%; beneath the coverage limitation of the district. **Affirmative finding.**

3. Setbacks

Minimum side and rear yard setbacks in the underlying zoning district shall not be applicable within the ICC -UVM District.

Front setbacks shall be fifteen (15') feet measured only along any street defining the Transitional Buffer.

The development area is significantly greater than 15' from any street defining the Transitional Buffer. **Affirmative finding.**

4. Surface Parking

No new outdoor surface parking spaces shall be permitted unless the number of the new outdoor surface parking spaces is offset by a corresponding removal of outdoor surface parking spaces existing as of January 1, 2007, and upon the approval by the DRB.

Sixty-nine (69) surface parking spaces are proposed; with the access from the Jeffords East lot requiring removal of 2 parking spaces, **the net new is 67 spaces.** There is no proposed removal of surface parking spaces in this application; however, the 149 Beaumont Avenue application for an

addition to the HSRF building (simultaneously under review) includes the removal of 121 parking spaces. The applicant has not provided an analysis of how many parking spaces have been removed since January 1, 2007 with a net gain/loss that would allow independent analysis of the required standard, so no other calculation can be made absent the Beaumont Avenue application currently in front of the DRB. Using the Beaumont application as the basis for the addition of new parking spaces would require approval of that application.

Affirmative finding as conditioned.

5. Building Height

Building height shall be measured under the provisions of Art. 5 except that the Measurement Interval method specified in Sec. 5.2.5(a)(3) shall not apply.

For the sole purpose of regulating building height, the ICC-UVM District shall include an ICC-UVM Central Campus Height Overlay as delineated on Map 4.5.2-4. Building height within the ICC-UVM Central Campus Height Overlay shall not exceed 140-feet.

Not applicable.

Map 4.5.2-4 ICC-UVM Central Campus and Height Overlay

For all other areas within the ICC-UVM District, except for ornamental and symbolic architectural features, additions and new construction may be built to a height that does not exceed the lesser of:

- A. The actual height of the tallest existing structure as of January 1, 2008 and located within the core campus district; or,*
- B. The elevation of a plane running parallel to sea level from a point defined by the roof of the tallest structure at the highest elevation within the parcel as depicted as of January 1, 2008.*

Not applicable.

6. Density

In the ICC -UVM District, density restrictions set forth in Article 4, Sec. 4.4.4 shall not apply to dormitories and rooming houses as defined in Chapter 18 of the Burlington Code of Ordinances. The restrictions on the non-residential equivalent set forth in Art. 5, Sec. 5.2.7 (a) 2 shall not apply in the ICC -UVM District.

Not applicable.

7. Uses:

Within the ICC-UVM District, Schools - Post-secondary and Schools -Community Colleges shall be treated as permitted uses.

As an accessory facility for the post-secondary school, the use is permitted. **Affirmative finding.**

Article 5: Citywide General Regulations

Section 5.2.3 Lot Coverage Requirements

See Section 4.5.2.

Section 5.2.4 Buildable Area Calculation

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

Section 5.2.5 Setbacks

See Section 4.5.2.

Section 5.2.6 Building Height Limits

See Section 4.5.2.

Section 5.2.7 Density and Intensity of Development Calculations

See Section 4.5.2.

Section 5.5.1 Nuisance Regulations

Nothing in this proposal appears to trigger the city’s nuisance regulations. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

1. Parking Lot Lighting

New outdoor lighting is included in the project design. Illumination levels, max/min ratio and pole height meet the requirements of this section.

Affirmative finding as conditioned.

Section 5.5.3 Stormwater and Erosion Control

As required, plans for erosion prevention and sediment control and for post construction stormwater management have been provided to the city’s stormwater program staff. Final review and approval by the city’s stormwater program staff is required. **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:

The project site is currently grassy area with some trees. There are no identified important natural features. **Affirmative finding.**

(b) Topographical Alterations:

The application includes installation of some stormwater mitigation features, including a stone lined swale with underdrain and new catch basins. Alterations to the site are under the general review of the Stormwater engineer, whose acceptance will be a condition of approval.

Affirmative finding as conditioned.

(c) Protection of Important Public Views:

There are no protected views from or through this site. Not applicable.

(d) Protection of Important Cultural Resources:

Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

The application proposes removal of a non-functioning turbine on the site. Nothing within the application will impede the potential use of wind, water, solar, geothermal or other alternative renewable energy resource. **Affirmative finding.**

(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.

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.

The applicant has provided EPSC and Stormwater Discharge plan for review by the Stormwater Engineering team.

Comments received 9.25.2019 from the engineering staff:

The Burlington Stormwater Program notes that the current drainage plan for the expanded Health Sciences and Research Facility and the associated Jeffords Parking Lot expansion diverts runoff from new impervious surfaces into the East Campus Pond located adjacent to the UVM Rugby Field. While it is our understanding that the East Campus Pond meets 2017 Vermont Stormwater Standards, it meets these standards as a Tier 3 treatment wet pond system. The State Stormwater Manual has organized stormwater treatment systems into Tier 1, Tier 2, and Tier 3 practices. These practices have been organized by order of design preference, and based upon pollutant removal efficiencies and potential for runoff reduction; with Tier 1 Practices providing the greatest degree of water quality treatment and runoff reduction and Tier 3 Practices providing the minimum required level of water quality treatment and runoff reduction.

Both the City and the University are MS4 entities which own impervious cover within Centennial Brook, a watershed impaired due to stormwater runoff. As such, each MS4 must implement a diverse suite of stormwater management practices in the coming decades to not just mitigate the stormwater runoff from existing impervious surfaces, but also the impervious cover from future growth and expansion. It is the Stormwater Programs hope that the MS4's within Burlington implement as many Tier 1 and Tier 2 practices such as bioretention, infiltration basins/chambers, and filtering systems as possible. Especially when this development takes place in a stormwater impaired watershed.

Their written approval will be a condition of any permit.

Affirmative finding as conditioned.

(h) Building Location and Orientation:

Not applicable.

(i) Vehicular Access:

Vehicular access will be introduced at the existing Jeffords East lot, displacing two of the existing parking spots. Pedestrian access is located on the north end, connecting to the Carrigan Drive walkway. **Affirmative finding.**

(j) Pedestrian Access:

New sidewalks will be introduced at the southwesterly end of the lot (connecting to the Beaumont Avenue sidewalk) and the northerly end (connecting to the Carrigan Drive sidewalk.)

Affirmative finding.

(k) Accessibility for the Handicapped:

No handicap access spaces are identified in the plan; presumably, because they are typically proposed adjacent to a building (like the HSRF addition.) This lot is located some distance from buildings, and therefore not favorable for h/c parking. Not applicable.

(l) Parking and Circulation:

The intent of this application is to provide supporting parking for the HRSF addition. Vehicular circulation will enter from the existing Jeffords East lot. **Affirmative finding.**

(m) Landscaping and Fences:

Significant landscaping, particularly tree planting is proposed around the project site. See Drawing C-1.2. **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.

See 5.5.2, above.

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

Stormwater management infrastructure is incorporated into this plan. See comments from the Stormwater program administrator, above. Landscaping; particularly tree planting around the

project site will help screen the surface parking from adjacent roads. **Affirmative finding as conditioned.**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

Not applicable.

Article 8: Parking

Parking lots do not incur parking requirements. Not applicable.

II. Conditions of Approval:

1. Under Section Sec. 4.5.2 (d) 4. the addition of new surface parking spaces requires the corresponding removal of surface parking spaces existing as of January 1, 2007. Unless the applicant provides evidence of net loss of parking spaces elsewhere, this application will **require the approval of ZP20-0203CA, 149 Beaumont Avenue** to assure concomitant removal of surface parking spaces (121 in that application) to consider new surface parking.
2. **Prior to release of the zoning permit**, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
3. **Prior to the release of the zoning permit**, the applicant shall obtain the written approval of the Stormwater Management Plan from the Stormwater Administrator.
4. All new utility lines shall 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.