

## Department of Planning and Zoning

149 Church Street, City Hall

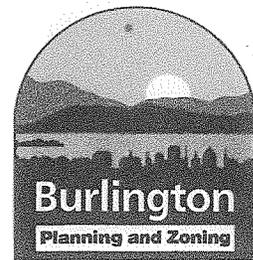
Burlington, VT 05401

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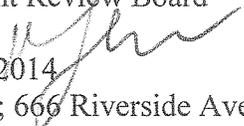
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### MEMORANDUM

To: Development Review Board  
From: Ken Lerner   
Date: August 19, 2014  
RE: 15-0135CU; 666 Riverside Avenue

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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:** NMU **Ward:** 2

**Date application accepted:** July 23, 2014

**Applicant/ Owner:** Burlington Housing Authority/Wanda Robar

**Request:** Conditional use to change the existing taxi operation into an auto/vehicular repair facility.

#### **Background:**

- 10-25-85; Zoning Permit #85-497/COA 85-152 approved to use an existing building for a taxi operation.
- 4-15-90; ZP 91-75 approved for underground gas tank.
- 1-25-94; ZP 94-283/COA099-061A for Installation of a second floor window on the front elevation of the existing taxi business.
- 2-15-94; ZP 94-292 for sign.
- 1-24-99; ZP 99-604 to construct second story addition.
- 7-10-00; ZP 01-008 for an awning.
- 6-18-02; ZP 02-618 to reconfigure parking areas and installation of landscaped planters on north and west sides of property and flagpole.
- 6-12-03; ZP 03-565 for a sign.
- 3-17-14; ZP 14-0801CA dumpster enclosure.

**Overview:** The existing taxi operation will no longer be using the premises. The Burlington Housing Authority is requesting to use the facility for their maintenance department to store and maintain their nine vehicles. The existing exterior parking will continue to be used for parking but for employee vehicles rather than taxis. The second floor office/dispatch will continue to be used as an office and to dispatch maintenance staff to various locations. There is no proposed construction or modifications to the building or site.

**Recommendation:** **CONSENT Approval**, per the following findings and conditions:

#### **I. Findings**

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).

*Appendix A – Use Table*

<i>USES</i>	<i>NMU</i>
<i>Automobile/Vehicle Repair</i>	<i>CU<sup>9</sup>, 12, 14</i>

9. *Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.*

12. *No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.*

14. *Such uses not to exceed ten thousand (10,000) square feet per establishment.*

No auto sales are proposed nor are any new fuel pumps. An underground fuel tank was approved on 4-15-90; ZP 91-75. The current building is 8,925 sq. ft. in size according to the City Assessor’s records, below the 10,000 sq. ft. maximum as per footnote 14. **Affirmative Finding**

*Article 3: Applications, Permits and Project Reviews*

*Part 5: Conditional Use and Major Impact Review*

*Section 3.5.6 (a) Conditional Use Review Standards*

*1. The capacity of existing or planned community facilities;*

There are no modifications to the building or site proposed with this change in use. The site will be used as is only with a different type of vehicular operation. Thus there will no impact on existing community facilities. **Affirmative Finding.**

*2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

This is a Neighborhood Mixed Use (NMU) district is intended to preserve and enhance existing commercial areas. This site contained a pre-existing taxi operation than ran 24/7. The proposed use with the storage of non-taxi related vehicles is not a significant change but different in nature and will operate with fewer vehicles and on a more limited basis, that is Monday thru Friday, 7 am to 5 PM, with other times only in case of a weather event or on an emergency basis.

**Affirmative finding.**

*3. Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated;*

The proposed use is not expected to generate significant traffic, particularly compared to the taxi use. Thus a decrease in the amount of traffic is expected. **Affirmative Finding.**

*4. Any standards or factors set forth in existing City bylaws and city and state ordinances;*

Other than the requirement for conditional use approval, as addressed herein, there are no other standards or factors applicable to the change in use. **Affirmative finding.**

*5. The utilization of renewable energy resources;*

No part of this application will prohibit the use of water, wind, solar, geothermal, or other alternative or renewable energy sources at this existing facility. **Affirmative finding.**

and,

*In addition to the General Standards specified above, the DRB;*

- 6. shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible;*

No housing is proposed in this mixed use district. Indirectly as the applicant is a housing provider, the facility will support their housing operations. **Affirmative finding.**

- 7. in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.*

Non-residential proposal that is not located within a residential zoning district. **Not applicable.**

- 8. may control the location and number of vehicular access points to the property, including the erection of parking barriers.*

Existing curb cuts will be utilized to access the site and parking area. **Affirmative finding.**

- 9. may limit the number, location and size of signs.*

No signs are included within the submission material. Any new signs will require zoning permits. **Affirmative finding as conditioned.**

- 10. may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.*

There is an approved site plan that contains landscape buffering and curbing. It is expected that the new owner will maintain and hopefully improve upon that plan in the future. **Affirmative finding as conditioned.**

- 11. may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.*

No construction of the existing structure is proposed. **Not applicable.**

- 12. may specify hours of operation and/or construction to reduce the impact on surrounding properties.*

The hours of operation are Monday thru Friday, 7 am to 5 PM, with other times only in case of a weather event or on an emergency basis. **Affirmative finding.**

- 13. may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions.*

Any future enlargement or alterations will require additional permit review in accordance with the regulations in effect at that time. **Affirmative finding as conditioned.**

14. *may consider performance standards, should the proposed use merit such review.*

As the change in use will have a reduced impact on the neighborhood than the previous use, no additional mitigation measures are necessary. **Affirmative finding.**

15. *may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

As noted there will be a decrease of impacts on the area from the previous use that result from this proposal. **Affirmative finding.**

*Article 8: Parking*

<i>Table 8.1.8-1 Minimum Off-Street Parking Requirements</i>	
	<i>Shared Use Districts</i>
<i>Automobile Repair/Service</i>	<i>2 plus 1/bay</i>
<i>Operations Center - Taxi (per three (3) employees)</i>	<i>1</i>

There are five garage doors to access interior vehicular storage and work areas. These are not typical bays but include open work areas and tandem vehicle parking allows for 20 vehicles to be stored or worked on. In addition, there are 20 exterior parking spaces. This is sufficient to meet the requirements of Table 8.1.8-1 as 40 vehicles can be accommodated onsite. **Affirmative finding.**

**ARTICLE 13: DEFINITIONS**

*Sec. 13.1.2 Definitions.*

**Automobile/Vehicle Repair/Service:** *An establishment for the general repair, servicing, rebuilding, or reconditioning of automobiles, recreational vehicles, or trailers.*

**Operation Center - Taxi/Bus:** *A facility for the housing of motor-driven buses or taxis, which may include maintenance of those vehicles.*

The proposed use clearly is not a taxi operation but most closely fits the definition of an *Automobile/Vehicle Repair* facility. **Affirmative finding.**

**II. Conditions of Approval**

1. Any future enlargement or alterations will require additional permit review in accordance with the regulations in effect at that time.
2. Any new signs will require zoning permits.
3. Standard Permit Conditions 1-15.

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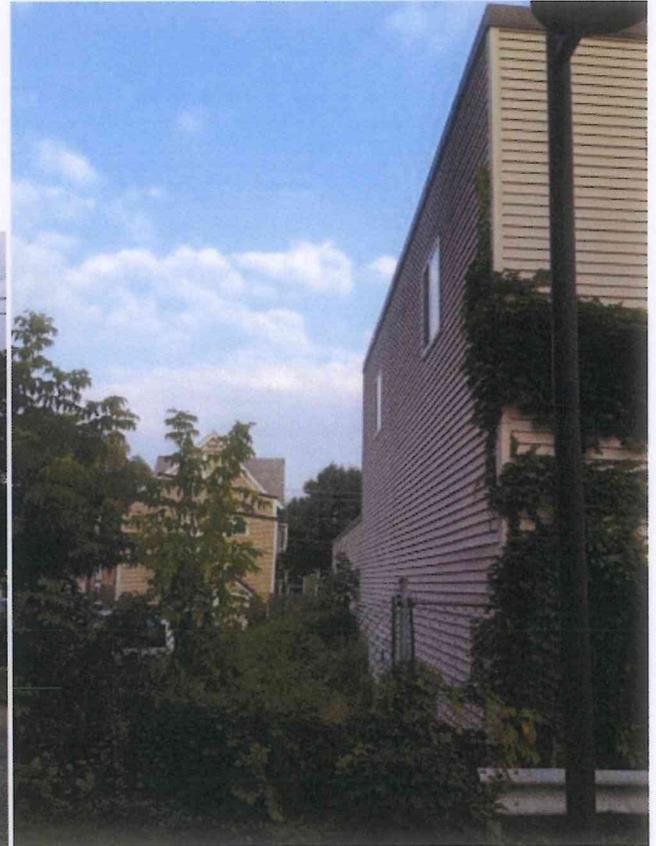
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DEPARTMENT OF  
PLANNING & ZONING

**666 Riverside Avenue**  
Proposed BHA Maintenance Facility



Front view of 666 Riverside Avenue parcel



Rear side of existing building



View looking west at 666 Parcel



View looking east at 666 parcel

LAT 10.45

EXISTING CONCRETE BUILDING

LAT 10.30

EXISTING CONCRETE

NEW ADDITION

NEW WHITE FENCE

NEW TRANSIT CONCRETE

POLE LIGHT SOUTH LIGHT

EXISTING PAVING

NEW POLE LIGHT DULIGHT

POLE LIGHT FOR LIGHT ROAD

113017

16x40

5

5

7

16x5

16x5

10075

113017

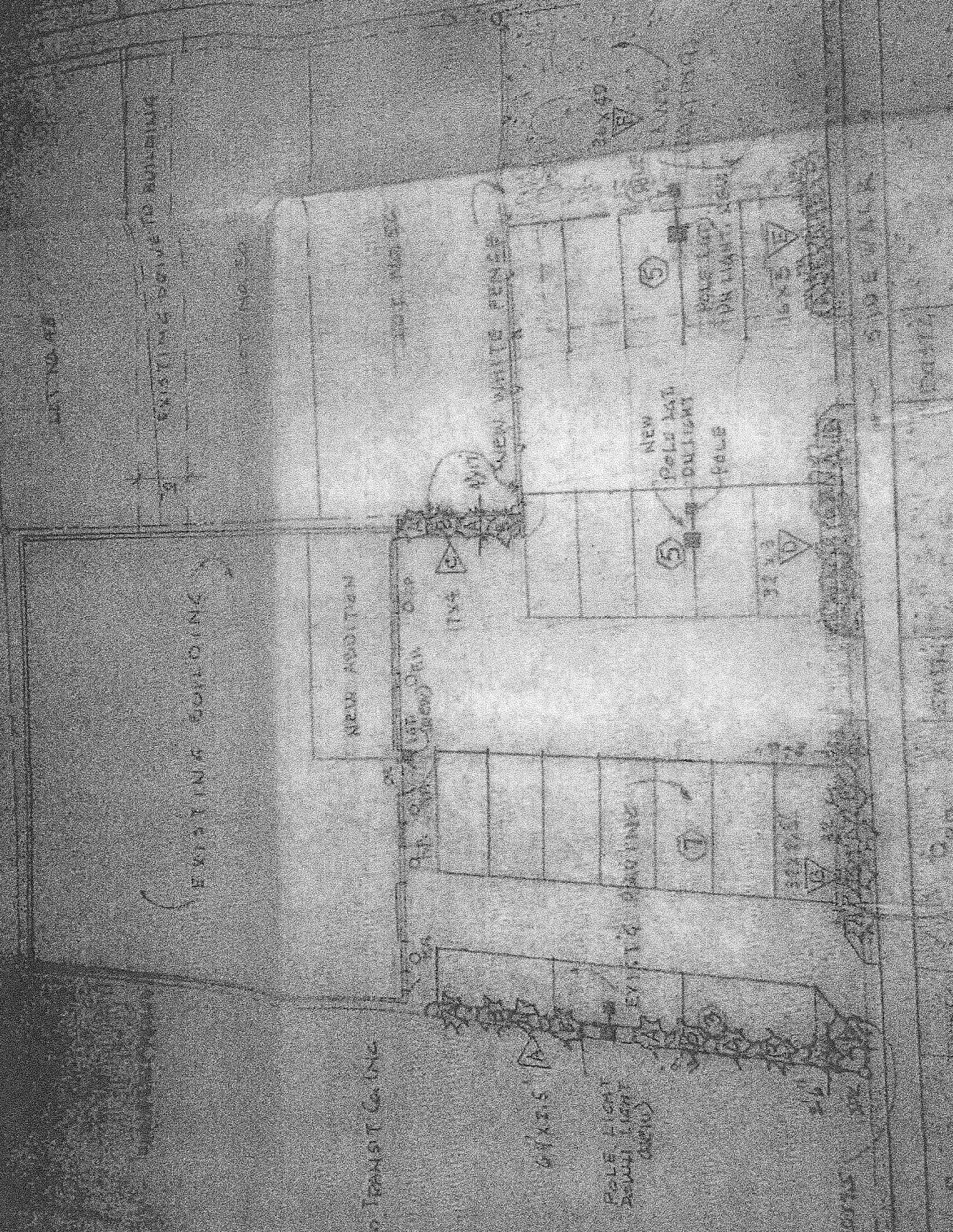
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**Building 666 Riverside**

Existing Green Around Building 603 sqft

Lot Number 56

Fence

80

4

**NOTE -**  
ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS  
REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.  
ALL ERRORS IN DIMENSIONS, FINISHES OR DETAILS ARE  
FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

**FINAL APPROVAL**

SIGNED: [Signature] DATE: 10-18-12  
PLANNING & ZONING DEPARTMENT  
MUNICIPALITY OF RIVERSIDE

*CURBING TO BE INSTALLED PERMITTING TO AROUND PROPOSED SIGN*

Flag Pole

49

Proposed Green Space 1171 sqft

5' Radius 1' Tag

*CURBING TO BE PROPOSED SIGN (MUST BE 50' PLANTING AREA)*

Sidewalk

1

3 5

6

Tree Belt

12

20

12

62

54

**Riverside Ave.**

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Scale: 1" = App. 12'

Total Green Space 1774 sqft

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## Introduction

The Burlington Housing Authority (BHA) has entered into a Purchase and Sale Contract for 666 Riverside Avenue, which is currently permitted for use as a "taxi stand" under Zoning Permit #85-497 originally issued in 1985, auto repair and vehicle storage and office use.

Its current use is as a 24-hour operation. The first floor is used for vehicle repairs and inspections, both for company vehicles and the general public, and for vehicle storage. The second floor is used for administrative offices and company operations. The parking lot is used for additional vehicles and employee parking. Employee and company vehicles come and go from the site on a twenty-four hour basis.

BHA's proposed use of the 666 Riverside Avenue parcel is for its Maintenance Department. Functional use of the property will be essentially the same as current use: first floor storage and maintenance of vehicles, second floor offices for administration and operations, and parking lot for employee vehicles. BHA does not propose any modifications to the building or to the current site plan, at this time. The intensity of use, both in terms of the number of vehicles and trips per day and hours of operation will be substantially less than the current use.

The BHA Maintenance Department currently has three administrative staff and six maintenance employees. The maintenance fleet currently consists of nine vehicles, the largest being a dump body pickup truck.

BHA's Maintenance department presently operates between the hours of 7:00am and 5:00 pm, Monday through Friday. During weather events, such as snow storms, or in case of off-hour emergencies operations may occur outside of normal working hours. Any after-hours activity is conducted on an on-call basis that is coordinated by an offsite answering service.

## Parking

It is our understanding that the current use has approval for the storage of 20 vehicles inside the building as well as 20 exterior parking spaces. The interior storage of BHA's nine-vehicle maintenance fleet is a primary objective of BHA's acquisition of this parcel. As mentioned above, the BHA maintenance fleet consists of nine vehicles, and it is expected not to exceed fifteen vehicles in the foreseeable future. The exterior parking lot on this parcel was used by the previous owner for employee parking as well as for parking of taxis, vans and tow trucks. BHA's proposed use of the exterior parking spaces is for daytime employee parking, which will also be on a smaller scale than current usage.

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## Conditional Use Checklist Supplement

### Description of proposed use and/or development:

The property is an approximately .37 acre parcel of land on the south side of Riverside Avenue. Almost all the property is paved parking or building. The existing building is two stories with a slab foundation and was constructed in 1960, with the first floor consisting of 5,925 square feet in gross area and the second floor consisting of 3,000 square feet of gross area. The proposed use is for relocation of BHA's Maintenance Department, with administrative and management activities taking place in the second story office space and general vehicle maintenance and storage taking place on the first story.

### Days and hours of operation:

BHA's Maintenance department presently operates between the hours of 7:00am and 5:00 pm and consists of three management and administrative positions and six maintenance employees. Any after-hours activity is conducted on an on-call basis that is coordinated by an offsite answering service.

### Number of Employees:

There are nine employees on the BHA maintenance staff that are associated with the proposed conditional use of this property; three management and administrative employees and six maintenance employees.

### Traffic Generation and Parking Analysis:

The proposed conditional use is not expected to generate significant traffic. In fact, it will dramatically decrease the traffic, compared to its current use as a 'taxi stand'. Given that BHA's maintenance fleet is significantly smaller in size than the transit fleet deployed by the previous owner, a decrease in traffic volume from this property can be expected. Additionally, once BHA maintenance technicians have been dispatched from the facility each morning they typically remain out in the field until the end of the day. Thus, a decrease in vehicle trips to and from the property each day can be expected. At the end of each workday, the maintenance fleet vehicles returning to the property will then be parked inside. The exterior parking spaces will be utilized by BHA maintenance employees for use during daytime hours of operation.

### Floor Plans:

Floor plans are included with the submitted set of plans.

### Phasing Schedule:

There is no phasing schedule associated with the proposed conditional use of this property.

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### Condition Use Review Criteria:

1. The proposed development will not result in an undue adverse effect on known existing or planned community facilities.
2. The proposed conditional use will not result in an undue adverse effect on the character of the area. BHA's use of the property will represent a decrease in neighborhood impact because, when compared to the previous owner/business: (1) hours of operation will be substantially reduced, (2) extensive on-site repair and maintenance of vehicles will no longer be undertaken, and (3) the number of vehicles parked in the front parking lot and visible to the surrounding neighborhood will be reduced.
3. The proposed development will not result in an undue adverse effect on parking, travel during peak commuter hours, safety, or congestion. The nine members of the BHA maintenance staff will utilize the twenty exterior parking spaces for parking during daytime hours of operation and the nine-vehicle maintenance fleet will be stored in the existing structure at night. Both these uses represent a drastic decline from the previous owner in demand for onsite parking and vehicle trips to and from the property during daytime hours. Additionally, as compared to the 24-hour operation of the previous owner, nighttime vehicle trips to and from the property will be virtually non-existent.
4. The proposed development project will not result in an undue adverse effect on any standards or factors set forth in existing City bylaws and city and state ordinances.
5. The proposed development project will not result in an undue adverse effect on the utilization of renewable energy resources. The proposed conditional use of the existing property and structure is of appropriate scale for the area.