

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner *monie*
Date: April 5, 2016
RE: ZP14-0671CA/MA

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: ZP14-0671CA/MA

Location: 194 St. Paul Street

Zone: DT **Ward:** 6

Date application accepted: February 23, 2016

Date of Permit Approval: Decision by Vermont Environmental Court March 16, 2015.

Applicant/ Owner: Champlain College, Inc. (Eagles Place)

Request: One year time extension.

Background:

The applicant received approval of a 104 dwelling unit, 289 bed, 6-story apartment building with 4,200 sf ground-level retail space and 66 space enclosed parking. The proposal will redevelop the former Eagle's Club and Browns Court parking lot properties and would involve the merger of these properties into a single parcel. The project has been pursued in partnership between the City of Burlington and Champlain College and is the culmination of a decades-long effort by the City to redevelop the Browns Court parking lot property. The development includes significant construction within the public right-of-way and involves coordination with the Department of Public Works. The application received approval on appeal to the Vermont Environmental Court; decision dated March 16, 2015.

Previous zoning actions for this property are listed below.

- 11/13/13, Approval to demolish structure and parking areas and to excavate
- 1/9/09, Approval to change use to temporary boarding house
- 7/27/06, Approval to install freestanding sign
- 11/9/99, Approval to install parallel sign
- 8/27/97, Approval to install replacement 2nd floor windows
- 1/28/93, Approval to install a telecommunications cabinet

Recommendation: Consent approval, per the following findings and conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Section 3.2.9 Zoning Permits

(d) Time Limit on Zoning Permits

Notwithstanding (e) and (f) below, a zoning permit shall become invalid unless the work or action authorized commences within one (1) year after the date of final decision. All work or action authorized there under shall be completed, and a Final Zoning Certificate of Occupancy received, within two (2) years of the date of decision unless a written extension of time not to exceed one (1) year is grant in advance by the administrative officer. Extensions of time for a zoning permit issued in connection with a conditional use or variance shall require approval by the DRB after a public hearing.

The application for a time extension is subject to review by the Development Review Board as a Major Impact/Conditional Use application. The request for an extension was filed in a timely manner, and eligible for consideration under this standard.

(f) Exceptions to Permit Time Limits

Except for projects subject to additional state or federal permitting jurisdiction, or which have been appealed to Vermont Environmental Court pursuant to the requirements of Article 12, there shall be no exceptions to the time limits specified in Sec. 3.2.9(d) and (e) unless longer or shorter time limits are specifically imposed as permit conditions of approval by the DRB at the time of approval.

For projects subject to additional state or federal permitting jurisdiction, the date of decision shall be deemed to be the latest date of decision of the state or federal permitting authority. For projects under appeal pursuant to the requirements of Article 12, the date of decision shall be deemed to be the date of the decision adjudicating such appeal.

Since the project is located completely within the City of Burlington's designated downtown development district, it qualified for review pursuant to 10 V.S.A. §6086b Downtown Development Findings in lieu of obtaining an Act 250 Permit. Pursuant to the Findings of Fact and Conclusions of Law for Application #4C0515-17 which has been provided, state permitting jurisdiction did attach. Therefore, the date was tolled until **June 11, 2015**, making the deadline for commencement June 11, 2016. The applicant has requested a one-year time extension from that date for commencement of construction.

The applicant provides that the project team remains in the process of completing construction documentation, and anticipates the process to be complete by early summer 2016. Additionally, project related challenges includes soil remediation, purchase/sale transaction of the Browns Court parcel and easement and license agreements which are likely to delay construction commencement, requiring consideration of a time extension.

Given the complexity of the project and multiple entities involved in whole project permitting as well as site remediation and formalization of license and easement agreements, a one year time extension for commencement of construction activities appears reasonable.

II. Conditions of Approval

1. All permit conditions of ZP14-0671CA/MA not herein altered shall remain in effect.

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