

**ZONING PERMIT
CERTIFICATE OF APPROPRIATENESS**

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 12/31/2013

Appeal Expiration Date: 04/15/2015

Project Location: 194 SAINT PAUL STREET

District: DT

Owner: Champlain College Inc.

Ward: 6

Address: PO BOX 670

Tax ID: 049-3-028-000

BURLINGTON VT 05402-0670

Project Type: Mixed Use - New Construction

Project Description: Construction of mixed use building with ground-floor commercial space, 104 residential units and enclosed parking. Development to merge three existing lots.

Construction Cost:	\$25,000,000	Lot Size (Sq Ft):	43,560
Net New Habitable Sq Ft:	174,846.00	Net New # of Housing Units:	104
Existing % Lot Coverage:	73.50	Existing # of Parking Spaces:	41
Proposed % Lot Coverage:	88.00	Proposed # of Parking Spaces:	66
Net New % Lot Coverage:	14.50	Required # of Parking Spaces:	66

Zoning Permit #: 14-0671CA/MA

Decision By: Development Review Board

Level of Review: 2

Decision: Approved

See Conditions of Approval

Decision Date: March 16, 2015

Project File: 14-0671CA/MA

Zoning Administrative Officer

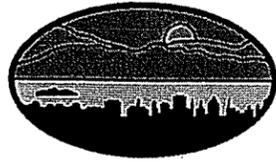
Combined Review: Major Impact Development

An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division until 4 pm on April 15, 2015.

Fee Type	Amount	Paid in Full	Balance Due: \$112,500.00
Application Fee:	\$77,820.00	Yes	Date Paid: _____
Development Review Fee:	\$112,500.00	No	Check # _____
Impact Fee:	See Conditions of Approval		

Building Permit Required: **Yes**

Permit Received by: _____ Date: _____



**Zoning Permit - COA and Major Impact Development –
Conditions of Approval**

ZP #: 14-0671CA/MA

Tax ID: 049-3-028-000

City of
Burlington, Vermont
149 Church Street

Issue Date: March 16, 2015

Decision: Approved

Property Address: 194 SAINT PAUL STREET

Description: Construction of mixed use building with ground-floor commercial space, 104 residential units and enclosed parking. Development to merge three existing lots.

Project Permit Conditions:

1. This permit approval is per the “Stipulated Approval of Permit” contained within the March 16, 2015 “Consented to Order” issued by Presiding Judge Tom Walsh of the Superior Court Environmental Division (attached).
2. **Prior to release of the zoning permit**, review and approval of sight distances, turning radii, and retaining walls by the city engineer shall be required.
3. **Prior to release of the zoning permit**, a wastewater capacity letter from the Department of Public Works shall be obtained.
4. **Prior to release of the zoning permit**, a plan or mutual agreement for snow storage and/or removal, particularly for Browns Court, shall be executed between Champlain College and the City of Burlington.
5. **Prior to release of the zoning permit**, removal of the street tree for the Maple Street garage entrance shall be reviewed and approved by the City Arborist.
6. **Prior to release of the zoning permit**, a revised site plan depicting a relocated dumpster away from the Browns Court homes and screened shall be submitted, subject to review and approval by the Development Review Board.
7. **Prior to release of the zoning permit**, revised project plans depicting the following shall be submitted, subject to staff review and approval:
 - a. Bicycle parking sign details;
 - b. Additional shrubs planted to screen the Browns Court garage openings;
 - c. Outdoor and garage lighting details compliant with Sec. 5.5.2 of these findings; and,
 - d. Commercial mailbox details.
8. **Prior to release of the zoning permit**, all required permissions and encroachment agreements for work and development (including the final extent, layout, and components of such construction) within the public ROW shall be sought and granted.
9. **Prior to release of the zoning permit**, the following stormwater management conditions shall be met:
 - a. The applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator;
 - b. The applicant shall obtain the written approval of the Stormwater Management Plan from the Stormwater Administrator; and,
 - c. A letter of credit or escrow agreement shall be executed with the City of Burlington for all construction site stormwater management and erosion control measures. The agreement shall be in an amount sufficient to cover the complete cost of administration and construction

\$110655.78	\$32385.44	\$57363.58	\$68388.41	\$0.00	\$0.00	\$268793.21
-------------	------------	------------	------------	--------	--------	-------------

Standard Permit Conditions:

1. **Other City, State or Federal Permits.** The owner is solely responsible for obtaining all other required City, state and federal approvals. Failure to do so may invalidate this Zoning Permit and result in enforcement actions.

Note: All projects receiving a Zoning Permit also require a Construction Permit or written confirmation that a Construction Permit is not required from Department of Public Works-Inspection Services Division (DPW-ISD). All construction permits must be closed out by way of approved inspections by DPW-ISD before issuance of a Unified Certificate of Occupancy (UCO) by the Code Enforcement Office as per Condition 3, below.

2. **Time Limits.** This zoning permit shall become invalid unless work or action authorized by the permit is commenced by **March 16, 2016**. The owner shall complete the approved project and obtain a UCO (combined Zoning and Building certificates of occupancy, still applicable even if a zoning or building permit was not required) by **March 16, 2017**, or be subject to enforcement actions.

These time limits are binding upon the owner unless one of the following apply: a) longer or shorter time limits are specifically imposed by a condition of approval; or b) the time limits are tolled by additional state or federal permitting for the project or by an appeal; or c) an extension of time has been granted. An extension of time must be requested in writing PRIOR to the expiration of the permit. If the owner has enacted the permit and it lapses, the owner may be responsible to obtain a new zoning permit, if required, which shall be subject to the current Comprehensive Development Ordinance (CDO).

3. **Unified Certificate of Occupancy (UCO):** It shall be unlawful to use or occupy (or allow the use or occupancy of) any land or structure or part thereof which has been created, changed, converted, or wholly or partly altered or enlarged in its use or structure without a UCO.

If the project is partially completed, meets "prior to issuance of a UCO" conditions of approval, meets all health and safety standards, and all municipal fees for the project are paid, a Temporary Zoning CO may be requested and issued. Upon completion of the project, applicant shall request and obtain a Final UCO from the Code Enforcement Office (located at 645 Pine Street). Additional information on how to request and obtain this UCO is available at this office. **Failure to obtain a certificate of occupancy** places the property in violation of the CDO and is subject to enforcement.

In addition, **Failure to obtain a UCO within the time limits above is subject to** "after the fact" fees ranging from \$75 - \$1500 (in addition to the UCO fee).

4. **Project Modifications.** The project shall be completed as shown on the plans, which have been stamped "approved" and dated by the administrative officer. The project shall not deviate from the approved plans or conditions of approval without prior written approval from the administrative officer.
5. **Property Inspection.** By acceptance of this permit, the owner authorizes City Officials and/or their authorized representatives, access to the subject property for the purpose of observing work in

COPY

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION
DOCKET NO. 55-4-14Vtec

IN RE: APPEAL OF EAGLES PLACE,
LLC

)
)
)

CONSENTED TO ORDER

The Parties to this appeal have reached an agreement settling all disputes arising out of or related to *Eagles Place, LLC*, Docket No. 55-4-14 Vtec ("Lawsuit"). The Parties include applicant *Eagles Place, LLC*, appellee City of Burlington, appellee/cross appellants Frank von Turkovich, Allen Hunt, Jacob Webster, and intervenors Ron Wanamaker, Anne Geroski, Jerrold Manock, Liisa Reinmann Rivera, Marge Allard, Tom Simon, Jack Menten, Peg Menten, Dan Goltzman, Norman Williams, Lucy Totten, and Emily Lee, hereinafter referred to jointly as "*Parties*." In accordance with the settlement, this Court hereby Orders:

1. Stipulated Approval of Permit. The conditional use and site plan approval is approved. The approval includes the final plans and conditions for the construction of a mixed use building with ground-floor commercial space, residential units and enclosed parking ("Project"). The development merges three existing lots: 14-0671CA/MA (194 St. Paul St. (Ward 6, DT)(Tax Lot No. 049-3-028-000); 14-0672CA/MA (1 Browns Court (Ward 6, DT)(Tax Lot No. 049-3-027-000); and 14-0721CA/MA (14 Browns Court (Ward 6, DT)(Tax Lot No. 049-3-041-000). The Project is subject to the following provisions and conditions:

A. The Project shall be completed and maintained in accordance with the Plans approved herein by the Parties and the Stipulated Approval, including drawing A6—Elevation With Material Keys, revised January 2015. Compliance with the Plans, which are attached as Exhibit A to the Agreement ("Revised Plans") shall be a condition of the

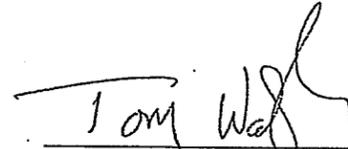
2. Other Agreements. Portions of the settlement agreement involved commitments as between the Parties unrelated to the permit. This Court's jurisdiction, and thereby this Order, is limited to affirming the compliance of the Project with the City of Burlington Zoning Ordinance. The Court leaves the enforceability of such provisions to the Parties in accordance with the terms of their settlement agreement.

3. Fees and Costs. No attorney's fees and court costs are awarded to any party.

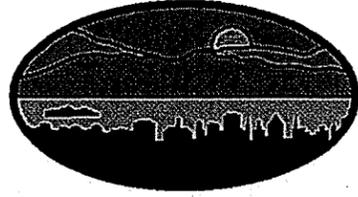
SO ORDERED:

March 16, 2015

Date



Presiding Judge
Environmental Court



**ZONING PERMIT
CERTIFICATE OF APPROPRIATENESS**

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 12/31/2013

Appeal Expiration Date: 04/15/2015

Project Location: 1 BROWNS COURT

District: DT

Owner: City Of Burlington - Department of Public Works

Ward: 6

Address: 645 PINE ST
BURLINGTON VT 05401

Tax ID: 049-3-027-000

Project Type: Mixed Use - New Construction

Project Description: Construct new six story, mixed use building including two public parking garages, first floor commercial space and 115 apartments for Champlain College students. In association with ZP#14-0671CA/MA at 194 Saint Paul St.

Construction Cost:	\$0	Lot Size (Sq Ft):	43,560
Net New Habitable Sq Ft:	0.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	73.50	Existing # of Parking Spaces:	41
Proposed % Lot Coverage:	88.00	Proposed # of Parking Spaces:	66
Net New % Lot Coverage:	14.50	Required # of Parking Spaces:	66

Zoning Permit #: 14-0672CA/MA

Decision By: Development Review Board

Level of Review: 1

Decision: Approved

See Conditions of Approval

Decision Date: March 16, 2015

Project File: 14-0671CA/

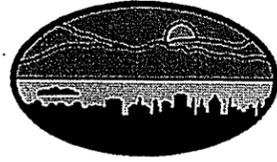
Zoning Administrative Officer

An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division until 4 pm on April 15, 2015.

Fee Type	Amount	Paid in Full	Balance Due: \$0.00
Application Fee:	\$150.00	Yes	Date Paid: _____
Development Review Fee:	\$0.00	NA	Check # _____
Impact Fee:	Not Applicable		

Building Permit Required: **Yes**

Permit Received by: _____ Date: _____



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Conditions of Approval

ZP #: 14-0672CA/MA

Tax ID: 049-3-027-000

Issue Date: March 16, 2015

Decision: Approved

Property Address: 1 BROWNS COURT

Description: Construct new six story, mixed use building including two public parking garages, first floor commercial space and 115 apartments for Champlain College students. In association with ZP#14-0671CA/MA at 194 Saint Paul St.

Project Permit Conditions:

See zoning permit 14-0671CA/MA, 194 Saint Paul Street for all permit conditions.

Standard Permit Conditions:

1. **Other City, State or Federal Permits.** The owner is solely responsible for obtaining all other required City, state and federal approvals. Failure to do so may invalidate this Zoning Permit and result in enforcement actions.

Note: All projects receiving a Zoning Permit also require a Construction Permit or written confirmation that a Construction Permit is not required from Department of Public Works-Inspection Services Division (DPW-ISD). All construction permits must be closed out by way of approved inspections by DPW-ISD before issuance of a Unified Certificate of Occupancy (UCO) by the Code Enforcement Office as per Condition 3, below.

2. **Time Limits.** This zoning permit shall become invalid unless work or action authorized by the permit is commenced by **March 16, 2016**. The owner shall complete the approved project and obtain a UCO (combined Zoning and Building certificates of occupancy, still applicable even if a zoning or building permit was not required) by **March 16, 2017**, or be subject to enforcement actions.

These time limits are binding upon the owner unless one of the following apply: a) longer or shorter time limits are specifically imposed by a condition of approval; or b) the time limits are tolled by additional state or federal permitting for the project or by an appeal; or c) an extension of time has been granted. An extension of time must be requested in writing PRIOR to the expiration of the permit. If the owner has enacted the permit and it lapses, the owner may be responsible to obtain a new zoning permit, if required, which shall be subject to the current Comprehensive Development Ordinance (CDO).

3. **Unified Certificate of Occupancy (UCO):** It shall be unlawful to use or occupy (or allow the use or occupancy of) any land or structure or part thereof which has been created, changed, converted, or wholly or partly altered or enlarged in its use or structure without a UCO.

If the project is partially completed, meets "prior to issuance of a UCO" conditions of approval, meets all health and safety standards, and all municipal fees for the project are paid, a Temporary

requirements of the CDO and receive an amended permit in light of the actual boundary line.

13. **Damage to City Property.** The Owner is responsible for any damage to the City of Burlington's property, including but not limited to its right-of-way, sewer/water lines, etcetera, that occurs during the site improvements authorized by this permit. If damage occurs, the Owner shall restore the property to a condition equal to or better than the condition of the property prior to such damage.
14. **City Rights-of-Way and Ownership.** Permit approval does NOT authorize any work to be undertaken within the public ROW. Any work in the ROW can only occur with prior authorization by DPW and City Council, as required. Any work or improvements that are taken within the City's right of way does not diminish the City's ownership or authority regarding said right of way.
15. **Liquor License Required.** An approval of any use that includes the sale of alcoholic beverages is contingent upon the receipt of a liquor license from the City of Burlington or the State of Vermont, whichever is applicable.



REVISED MEDIATION SETTLEMENT
January 2015

CIVIL DRAWINGS - LAMOUREUX & DICKINSON

- C1 SITE PLAN
- C2 EXISTING CONDITIONS & DEMOLITION PLAN
- C3 UTILITY & GRADING PLAN NORTH
- C4 UTILITY & GRADING PLAN SOUTH
- C5 EROSION PREVENTION & SEDIMENT CONTROL PLAN
- C6 NOT USED (PREVIOUSLY LANDSCAPE PLAN - SEE L2.0 & L2.1)
- C7 DRIVE, PARKING & SIDEWALK DETAILS & SPECIFICATIONS
- C8 WATER, STORM, & SEWER DETAILS & SPECIFICATIONS
- C9 STORMWATER & EPSC DETAILS
- PL PROPERTY PLAT

LANDSCAPE DRAWINGS - WAGNER HODGSON LANDSCAPE ARCHITECTS

- L0.0 ILLUSTRATIVE PLAN
- L1.0 LAYOUT AND MATERIALS PLAN (NORTH)
- L1.1 LAYOUT AND MATERIALS PLAN (SOUTH)
- L2.0 PLANTING PLAN (NORTH)
- L2.1 PLANTING PLAN (SOUTH)
- L3.0 ELEVATION (ST PAUL STREET)
- L3.1 ELEVATIONS (MAPLE STREET, KING STREET)
- L3.2 ELEVATIONS (BROWNS COURT)

ARCHITECTURAL DRAWINGS - GARDNER KILCOYNE ARCHITECTS

- A0 COVER SHEET
- A1 LOWER LEVEL PLAN
- A2 LEVEL 1 PLAN
- A3 ROOF PLAN
- A4 PROPERTY LINE DIAGRAMS
- A5 BUILDING HEIGHT DIAGRAMS
- A6 ELEVATIONS WITH MATERIAL KEYS
- A7 WALL ASSEMBLIES/3D IMAGES
- A8 EXTERIOR WINDOWS, DOORS, & CURTAIN WALLS
- A9 SHADOW STUDIES
- A10 SITE SECTIONS
- A11 SITE SECTIONS

ELECTRICAL DRAWINGS - PEARSON & ASSOCIATES

- E1.0 LOWER LEVEL PARKING GARAGE & EXTERIOR LIGHTING PLAN
- E2.0 LEVEL 1 PARKING GARAGE & EXTERIOR LIGHTING PLAN
- E3.0 LIGHT FIXTURES & FIXTURE SCHEDULE

APPENDIX: ARCHITECTURAL RENDERINGS

- SOUTHWEST BUILDING PERSPECTIVE
- WEST ENTRY PERSPECTIVE
- MAPLE STREET PERSPECTIVE

UNIT & BED COUNT

	LOWER LEVEL	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5	LEVEL 6	TOTAL UNITS	TOTAL BEDS
1 BEDROOM	-	1	2	2	1	3	-	9	9
2 BEDROOM	-	4	9	9	8	4	-	34	68
3 BEDROOM	-	5	9	9	7	2	-	32	96
4 BEDROOM	-	2	4	4	4	3	-	17	68
4 BEDROOM LOFT	-	-	-	-	-	12	-	12	48
TOTAL UNITS	-	12	23	23	21	22	-	104	
TOTAL BEDS	-	32	59	59	54	76	-		289

FAR CALCULATION

TOTAL GROSS BUILDING AREA: 186,015 SF 186,015/43,560 = 4.27 FAR
TOTAL GROSS LOT AREA: 1.0 ACRE

LOT COVERAGE CALCULATION

TOTAL LOT COVERAGE = 38,243sf OR 88%
THIS INCLUDES THE BUILDING, SIDEWALK, PAVEMENT, BROWNS COURT
UTILITY VAULT, AND RETAINING WALL

PARKING COUNT

SOUTH (LOWER) PARKING LOT - 42 SPACES
NORTH (UPPER) PARKING LOT - 24 SPACES
TOTAL: 66 SPACES, INCLUDING 4 ADA

PROJECT TEAM

DEVELOPER and
CONSTRUCTION MANAGER

Eagles Place, LLC
599 Avenue D
Williston, VT 05495
(802) 864-5830
Bob Miller

ARCHITECT

Gardner Kilcoyne Architects
147 Allen Brook Lane, Suite 103
Williston, VT 05495
802-655-0145
Liza Kilcoyne

MECHANICAL &
ELECTRICAL ENGINEERS

Pearson & Associates, Inc.
174 Thomas Lane • P.O. Box 610
Stowe VT 05672
802-253-9607
Alan Gould

LANDSCAPE ARCHITECT

Wagner Hodgson Landscape Architecture
7 Marble Ave
Burlington, VT 05401
802-864-0010
Keith Wagner

CIVIL ENGINEER

Lamoureux & Dickinson Engineering
14 Morse Dr.
Essex Junction, VT 05452
802-878-4450
Andy Rowe

STRUCTURAL
ENGINEER

Sharp Point Engineering, PC
4398 Route 22 • P0 Box 40
Plattsburgh, NY 12901
518-324-2828
Jesse Ringer

FIRE PROTECTION CONSULTANT

RN Culver Consulting, Inc.
142 Sand Hill Road
Essex Junction, VT 05452
Ph: 802-878-8240
Dick Culver



EAGLE'S LANDING APARTMENTS

ST. PAUL STREET, BURLINGTON, VERMONT

COVER SHEET
REVISED MEDIATION SETTLEMENT - January 2015

A0

ZP 14-0671 CA/MA

Mary O'Neil

From: Kimberlee Sturtevant
Sent: Tuesday, February 23, 2016 4:36 PM
To: 'Caulo, John'; Mary O'Neil
Cc: Scott Gustin; David E. White; Mark G. Hall
Subject: RE: 194 St. Paul Street

John,
Mary O'Neil asked me to follow-up with you regarding the expiration date of the permit for 194 St. Paul. Thank you for sending along the Findings of Fact, they were very helpful to review. As you may be aware, the Comprehensive Development Ordinance provides the following 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.

CDO Sec. 3.2.9(f). Therefore, the question is whether there was additional state or federal permitting jurisdiction which would toll the commencement date. Pursuant to the Findings of Fact and Conclusions of Law for Application #4C0515-17 which you provided, state permitting jurisdiction did attach. The review was pursuant to 10 V.S.A. §6086b Downtown Development Findings in lieu of obtaining an Act 250 permit. Therefore, we would agree that the date was tolled until June 11, 2015, making the deadline for commencement June 11, 2016.

Thanks,
Kim
Kimberlee J. Sturtevant, Esq.
Assistant City Attorney
Office of City Attorney & Corporation Counsel
149 Church St., Room 11
Burlington, VT 05401
(802) 865-7121
(802) 865-7142 (TTY)
(802) 865-7123 (fax)

ksturtevant@burlingtonvt.gov

IF YOU ARE NOT THE INTENDED RECIPIENT: This information in this e-mail and any attachments is confidential and intended solely for the use of those to whom it is addressed. This communication may contain material protected by the attorney-client privilege. If you are not the intended recipient, or someone responsible for delivering this message to an intended recipient, be advised that you have received this e-mail in error and that any disclosure, forwarding, copying, printing, or distribution is strictly prohibited. If you have received this e-mail in error, please notify us immediately by calling (802) 865-7121. IF YOU ARE THE INTENDED RECIPIENT: Please note that: e-mail is not a secure method of communication; any e-mail that is sent to you or by you may be copied and held by various computers as it is transmitted; and, persons not participating in our communication may intercept our e-mail communications. If you do not wish to receive communications from us by e-mail, please notify us immediately by calling (802) 865-7121.