

## Department of Planning and Zoning

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### MEMORANDUM

**To:** The Design Advisory Board  
**From:** Mary O'Neil, AICP, Principal Planner  
**RE:** ZP18-0768CA; 75 Cherry Street  
**Date:** March 27, 2018

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**File:** ZP18-0768CA  
**Location:** 75 Cherry Street  
**Zone:** FD 6 **Ward:** 3C  
**Date application accepted:** March 12, 2018  
**Applicant/ Owner:** Freeman French Freeman / Devonwood Investors LLC (Don Sinex)  
**Request:** 7<sup>th</sup> and 12<sup>th</sup> floor amenity spaces; change to project phasing as approved under ZP17-0662CA.

#### **Background:**

- **ZP18-0648CA;** Amendment to ZP17-0662CA/MA adding 16 new residential units, façade alterations and parking arrangement. February 2018.
- **ZP17-0662CA/MA;** Mixed use redevelopment of the existing Burlington Town Center mall site and associated lot line adjustments. July 2017.

**Overview:** The applicant seeks to modify project plans for the approved multi-use building to include a **seventh floor pool pavilion and deck**, a **12<sup>th</sup> floor fitness/health space**, and a request to change the overall project phasing schedule.

As the project is within Form District 6 (FD6), changes are reviewed under Article 14 of Burlington's Comprehensive Development Ordinance.

Review of façade changes will be reviewed administratively as allowed by the Form Code. The requested change to include the addition of new building mass/volume requires DAB and DRB review per the standard, below.

Changes to project phasing is under the jurisdiction of the DRB.

#### **Section 14.6.4 Building Height**

##### **(f) Design and Public Standards Required for Additional Building Height**

*After consultation with the Design Advisory Board and a Public Hearing, the Development Review Board shall evaluate any proposal seeking addition building height under each of the following additional design standards, and affirmatively find that:*

- a. The proposed building presents a design that emphasizes slender, vertically-oriented proportions to assure a rich visually interesting experience as viewed with the context of*

*the downtown skyline; reinforces opportunities for establishing points of reference for visual orientation; and provides visual interest and human scale at the pedestrian level through the use of a variety of scales, materials, fenestration, massing or other architectural design standards.*

The overall building height will not exceed beyond what was approved under ZP17-0662CA/MA. DAB and DRB review is required due to the new building **mass** (12<sup>th</sup> floor amenity space) and the requested alteration to the phasing schedule.

The pool/deck feature on the 7<sup>th</sup> floor will not be visible from any of the streetfront elevations (see Plans A200-A201.) The fitness center at the 12<sup>th</sup> floor will be apparent only from the north (Cherry Street) façade as a small building volume that is largely unapparent from street view (see lower illustration at A-202, sight lines noted.)

Plan A-202 illustrates views from the interior of the block complex, and the proposed amenities as may be apparent of the north courtyard. With the noted exception along Cherry Street, neither amenity space will be visible to the pedestrian at street level. Pavilion finishes are consistent with the overall building design and specific activities within. Overall skyline views will remain as previously approved.

Although no new overall building height is requested, the additional volume is inconspicuous between the larger towers (fitness center) or recessed behind existing building volumes (pool pavilion.) The proposal will continue to assure a rich visually interesting experience.

- b. Step backs, horizontal and vertical variation, selection of materials, and/or other architectural design techniques are used to reinforce the street wall, create transitions from buildings of a smaller mass and height, and reduce the perceived height and mass of upper stories from the street level,*

The proposed building amenity additions do not influence the previously approved street wall(s). The new mass/volume is set within the existing building volume, and in the case of the fitness amenity, provides a transition between two (previously approved) building volumes at a building elevation and stepback that is minimally apparent from the street. As both amenity spaces are proposed to be located within or among approved building volumes, and as proposed have no visual connection to the streetfront pedestrian, neither will negatively influence the perceived height and mass of the upperstories from the street.

*and,*

- c. Upper story propositions of the building are oriented and tapered and/or separated into separate masses in order to retain sky view between individual buildings elements from the public thoroughfare.*

The 7<sup>th</sup> floor pool pavilion, located on an interior court within the entire complex, is proposed as an individual volume on a lower floor that has no impact to sky views between buildings. The 12<sup>th</sup> floor fitness pavilion adds a minor volume between two higher building extrusions, and is only visible (with difficulty) from Cherry Street. The limited volume, at a height and stepback negating visibility from the pedestrian level assures no obstruction to skyview between building elements from the public thoroughfare.