



Agenda

for the Meeting of the Development Review Board

City Council Chambers, City Hall
Monday, July 22, 2019 at 7:00 PM

Members: Daniel Richardson (Chair), Kate McCarthy (Vice Chair), Kevin O'Connell, Ryan Kane, Robert Goodwin, Michael Lazorchak (alternate), and Clare Rock (alternate).

Please note: Changes in the agenda may occur

- 1) Call to Order by the Chair
- 2) Approval of the Agenda
- 3) Comments from the Chair
- 4) Review minutes from July 8th DRB meeting.
- 5) 29 Franklin St. (Res. 1500/HD)-Continued
Owner: Andy Perchlik
Applicant: Ward Joyce
Waiver of front yard setback and lot coverage maximum for construction of a covered front porch and rear patio.
- 6) 2 Sunset Ave. (Res. 9000)-Continued
Owner/Applicant: Howie Michaelson
Review construction of a second driveway.
- 7) 11 Baldwin St. (MUR/HD)
Owner: Ernest W. Gibson III by Margaret McCoy, POA and Charlotte H. Gibson
Applicant: Vermont Natural Resources Council.
Site Plan and Conditional Use review of a change of use to office.
- 8) Other business:

-Next meeting will be Monday, August 5th, 2019.
- 9) Adjournment

Montpelier Development Review Board Meeting
July 8, 2019

Subject to review and approval

This public meeting was recorded, and the video will be available for viewing at this link:
<https://www.montpelier-vt.org/1094/CivicClerk>

Present: Daniel Richardson, Kevin O'Connell, Kate McCarthy, Robert Goodwin, Michael Lazorchak (alternate), Meredith Crandall – staff.

Call to order: The meeting was called to order by the Chair, Dan Richardson.

Approval of the agenda: Kevin made a motion to approve the agenda, Rob seconded. The motion passed on a 5-0 vote.

Comments from the Chair: There were no comments from the Chair other than the full agenda will create the need to keep items moving along.

Approval of minutes from June 17, 2019: Kevin made a motion to approve, Kate seconded. The motion passed on a 5-0 vote.

106 East State Street
Owner/Applicant: Gary and Alison Schy
Final plan review of a two lot subdivision.

The applicants were both present and were put under oath.

Meredith handed out DPW's review that the East State Street curbing was done and the only thing left to do is installing a pavement patch along the street. Other than that, there were no other issues with the application. The applicant stated that the paving with finished that afternoon and submitted photographs showing the completed work.

The 4 unit apartment building, which will be Lot 2, has 4 parking spaces, one inside the garage and the other 3 are accessed through the shared easement. The other lot has 4 spaces; one pair of which appear stacked, but Applicants testified that they can be accessed individually.

Mr. Schy planted a cherry tree that is not thriving, so he wants to plant a 10 foot crabapple tree. The plan is to also plant lilac bushes to frame the front yard of Lot 2. There will be no further requests from the board for more landscaping.

The final plat needs to have surveyor's marks for the jag in the new boundary. Staff clarified that she had spoken with the surveyor and confirmed that this would be completed.

Kate made a motion to approve the application, Rob seconded. The motion passed on a 5-0 vote.

4 Pearl Street

Owner/Applicant: Paul Markowitz

Conditional use review of a home industry bread baking.

The applicant was present and put under oath.

The staff report raised concerns over traffic. He plans to bake about 25 loaves a week in his home and sell it from his home. He is requesting the ability to increase to up to 50 loaves a week, with no more than 25 picked up on any single day – and no more than 2 pick-up days per week. People will order by email, the responding email will specify that the customers need to park on the street. He plans to have a sandwich board that also directs customers to park on the street for pick up.

There will be no special deliveries for the business.

There was a condition that the customers that arrive via vehicle be directed to park in the on-street parking spaces and not in Applicant's driveway.

Kate made a motion to approve the application, Rob seconded. The motion passed on a 5-0 vote.

18 Marvin Street

Owner/Applicant: Brett Proctor

Sketch plan review of a two lot subdivision.

The applicant was present.

The application is to subdivide the existing parcel of 15,000 square feet to two parcels, one would be 8,500 square feet with a house and the other parcel would be 7,500 square feet. There are no current plans for further development, but it would be sold in the future.

Dan recommended hiring an engineer to provide preliminary design suggestions for driveway and landscaping proposals, and underground electric/data line feasibility

Michele Braun from 21 Marvin spoke about the timeline for some stormwater questions and when the easements will be considered.

A resident from 47 Liberty spoke with further questions. 45 Liberty has a wetland and drainage issues with public works stormwater.

Martha Smyrski from 15 Marvin sent in a letter opposing the application because of the steep topography and soil conditions that will cause runoff downhill to Liberty Street.

Staff and Board Members clarified that anyone who wrote in or expressed concerns during this hearing are not on the record and would need to resubmit any comments during the Final Application process should they still have concerns.

29 Franklin Street

Owner: Andy Perchlik Applicant: Ward Joyce

Waiver of front yard setback and lot coverage maximum for construction of a covered front porch and rear patio.

The owner and applicant were in attendance and put under oath.

The parcel currently does not conform to minimum lot size, coverage, minimum lot frontage, and front, rear, and right side setbacks. The renovated porch increases the nonconformity with the front setback, and both the porch and patio increase coverage..

The application doesn't contain comments from DPW, but the applicant stated that DPW gave a verbal okay for the project.

The backyard is all grass and a 6 foot fence for a dog would be replaced. The yard would be covered in 1/3 stone imbedded in the ground and the rest would be grass.

There are certain standards to grant a waiver. The standards were reviewed.

Impervious cover to be reduced to no more than 65% of the parcel, or 1,2772.25 square feet by zoning standards. The difference between the proposal and the maximum coverage allowed is roughly 100 square feet. The applicant will submit new drawings with reduced coverage for review. The applicant will also get a written determination from DPW on where the right of way is located and that they don't foresee any issues.

The applicant and owner can't make the next meeting, but they will send substitutes.

Kate made a motion to table the application to July 22, 2019. Kevin seconded. The motion passed on a 5-0 vote.

2 Sunset Avenue

Owner/Applicant: Howie Michaelson

Review construction of a second driveway.

The applicant and his wife, Alyson Mahony were present.

The application is to add an additional driveway to allow for more parking. Expanding the existing driveway would require cutting down an oak tree and the preference is to not do that. Additional parking now is on street or on their lawn.

One of the neighbor's concerns is the increase in traffic with additional parking spaces.

The applicable zoning provisions within Section 3010 were read by the Chair to clarify concerns with the application and what criteria apply to a single family home's request for a 2nd driveway.

DPW expressed no concerns with stormwater with this project.

Carol King from 3 Sunset spoke regarding a June 5th letter that had been submitted from Mary Thulman, Judy Greenwald, Carol and Robert King, Mark and Dorothy Redmond, and Vicky Mazur – neighbors on Sunset Drive, as well as responding to Applicant's June 14th letter. The driveways will be too close, against zoning standards. Another concern is that street parking will be compromised. Ms. King stated that previous tenants/owners had three cars in the driveway, so it's possible. The current requirements allow a specific number of vehicles per residence, this additional parking would violate this requirement.

Roberta Garland from 10 Wilson Street. She stated that she's been a guest of the applicant and explained the difficulty of parking on the street.

Judy Greenwald also read a letter from Mary Thulman into the record. The letter expressed additional concerns regarding aesthetics, alternatives to an additional driveway, the purpose of the second driveway, and showed doubt about the concern for the oak tree since a section of land was clear cut to install a solar panel, as well as other concerns. A copy of the letter was submitted for the record. Ms. King also spoke again echoing many of the statements from Ms. Thulman's letter, and asking the Board to consider certain factors that Mr. Richardson clarified are outside the scope of a zoning permit for a driveway to a single-family home.

Richard DeAngelis and Ariane Kissam from 5 Sunset Drive sent in a letter of support for the application.

The applicant will come back to the Board with further information, including landscaping options.

Kevin made a motion to table the application to July 22, 2019. Rob seconded. The motion passed on a 5-0 vote.

Other Business: The next regular meeting will be Monday, July 22, 2019.

Adjournment: Rob made a motion to adjourn, Kevin seconded.

Respectfully submitted,

Tami Furry
Recording Secretary

MONTPELIER DEVELOPMENT REVIEW BOARD REPORT

Prepared by Meredith Strobridge Crandall, Planning and Zoning Administrator

Date: June 20, 2019

For the meeting of July 8, 2019

SETBACK WAIVER REQUEST

Applicant: Ward Joyce

Owner: Andrew & Marriane Perchlik

Address: 29 Franklin Street

Application # Z-2019-0076

Zone: Residential 1,500



Guiding Ordinance Sections

Chapter 200. General Provisions

Chapter 210. Base Zoning Districts & Neighborhoods

- o Section 2108. Residential 1500 (RES 1.5) Zoning District & Neighborhoods

Chapter 300. General Standards

- o Section 3001. Use Standards
- o Section 3002. Dimensional Standards
- o Section 3003. Accessory Structures and Uses
- o Section 3004. Demolition
- o Section 3005. Riparian Areas
- o Section 3006. Wetlands and Vernal Pools
- o Section 3007. Steep Slopes
- o Section 3008. Erosion Control
- o Section 3009. Stormwater Management
- o Section 3010. Access and Circulation
- o Section 3011. Parking and Loading Areas
- o Section 3012. Signs

Chapter 430. Development Review Procedures

Chapter 460. Appeal Procedures

- o Section 4602. Waivers

Materials Submitted:

- a) Development Application, dated 6/13/19;

- b) Zoning Permit Attachment, dated 6/13/19;
- c) Attachment to request a Waiver or Variance, dated 6/14/19;
- d) Parcel Map with Adjacent Parcels, received by Department of Planning and Economic Development (“DPED”) 6/14/19
- e) Perchlik House Renovation, Proposed Site Plan, Drawing #A100, by Architect Ward Joyce (“Mr. Joyce”), dated 6/13/19;
- f) Perchlik House Renovation, Existing Site Plan, Drawing #A101E, by Mr. Joyce, dated 6/13/19;
- g) Perchlik House Renovation, Proposed Floor Plan, Drawing #A101, by Mr. Joyce, dated 6/13/19;
- h) Perchlik House Renovation, Existing Elevations, Drawing #A102, by Mr. Joyce, dated 6/13/19;
- i) Perchlik House Renovation, Proposed Exterior Elevations, Drawing #A103, by Mr. Joyce, dated 6/13/19.

Project Scope & Applicant Request

Applicant seeks a waiver of the 10 foot front-yard setback minimum and the 60% coverage maximum, to allow various external renovations at 29 Franklin Street, including the reconstruction and enlargement of a front porch, and the addition of a stone patio in the back yard.

The subject parcel is located in the Residential 1500 (“RES 1.5”) Zoning District. The Application will first be reviewed by the Board on July 8, 2019.

STAFF REVIEW & COMMENTS

1. Existing Conditions: 29 Franklin Street is an existing 0.04 acre (1,965 SF) parcel that currently contains a 2,256 SF single-family home, with a roughly 4-foot deep porch and a driveway. The parcel is small generally, as well as when compared to other single-family homes in the neighborhood. The parcel is serviced by municipal water and sewer.
2. Location: The subject parcel is in the Franklin Street – Southwest Neighborhood in the RES 1.5 Zoning District. 29 Franklin Street is one parcel down from the intersection of Franklin, Cross, and Mechanic Streets.
3. Permit/Parcel History: See below for recent zoning and building permit history:

Case #	Site Address	Primary Contact	Department	Type	Project	Project Description	Status	Submitted	Issued	Closed
B-2017-0087	29 FRANKLIN ST	Andrew & Marianne Perchlik	BUILDING	BUILDING PERMIT - SINGLE FAMILY	Foundation repair, insulation, outlets, porch railing and heat pump installation.	Foundation repair, insulation, outlets, porch railing and heat pump installation.	ISSUED	06/07/2017	06/15/2017	
B-2015-0099	29 FRANKLIN ST	HARTMAN JOEL	BUILDING	BUILDING PERMIT - SINGLE FAMILY	Replace plaster and lath and upgrade wiring and insulation as necessary.	Replace plaster and lath and upgrade wiring and insulation as necessary.	CLOSED	06/05/2015	06/16/2015	04/24/2017

4. Procedural Status: As the subject parcel contains a single-family home, no Site Plan

provisions apply here. The addition of a porch and patio on a single-family home would normally be an administrative permit, but the waivers requested are beyond the scope of the Zoning Administrator's authority.

CHAPTER 300 GENERAL STANDARDS

5. Section 3001. Use Standards

- A. Applicability. The land development shall conform to the use standards for the applicable zoning district. Per the Use Table at Figure 2-15:
 - i. Single-family homes are "permitted" uses in the RES 1.5 District, and no change of use is requested.
- B. Mixed uses. *Not applicable*.

Staff Findings: Single-family homes are allowed in the RES 1.5 District on this parcel, and 29 Franklin Street currently contains only a single-family home.

6. Section 3002. Dimensional Standards

- A. Applicability. Land development shall conform to the dimensional standards for the applicable zoning district, as set in Chapter 200. Figure 2-08 establishes the dimensional standards for development in the RES 1.5 District as follows:

Figure 2-08. Residential 1500 District Dimensional Standards

LOTS	SETBACKS	DENSITY	BUILDINGS
Lot size: 3,000 sf min Frontage: 45 ft min Coverage: 60% max	Front: 10 ft min Side: 5 ft min Rear: 10 ft min Water: 25 ft min	Residential: 1 du/1,500 sf max Floor Area Ratio: 1.0 FAR max	Footprint: 2,500 sf max Height: 35 ft max

Note 1 See Section 3002 for specific information and any exceptions regarding dimensional standards. Accessory structures may have reduced dimensional standards (see Section 3003 for specific details regarding accessory structures).

- i. Per § 1203, nonconformities may continue to exist unchanged indefinitely.
 - § 1203.A.
 - a. Per § 1203.D, "a nonconforming structure may undergo normal repair and maintenance provided that the degree of nonconformity is not increased."
 - b. Further, a nonconforming structure "may be enlarged or expanded without a waiver or variance, provided: (1) the addition does not encroach beyond the existing, nonconforming building line; and (2) the structure is not subject to other conditions or restrictions from prior approvals or permits that would otherwise restrict the proposed additions." § 1203.E.
 - c. Per § 1203.F, the Board "may approve a waiver to allow enlargement or expansion of a nonconforming structure beyond what is authorized in Subsection 1203.D (see Subsection 3002.J and Section 4602).
- ii. The parcel is 1,965 SF, with 30 feet of frontage on Franklin St., and 60.18% coverage (1,182.67 SF) per comparison of the Proposed and Existing Site Plans. Building footprint will be well below the maximum allowed. The current setback distances are:
 - a. Front – 7 feet 8 inches to the front of the covered porch (uncovered steps may extend to the property line per § 3003, Fig. 3-07).

- b. Rear – 9 feet 1.5 inches to the building façade.
- c. Side R – 3 feet to the property line shared with 27 Franklin St. to the South.
- d. Side L – 13 feet to the side of the house (>9.5 feet to the existing, uncovered side entrance steps).
 - 1) The driveway on the northernmost side of the parcel is allowed to be up to the property line per Fig. 3-07.

iii. **After the proposed improvements:**

- a. The parcel would have 1,368 SF (or 69%) coverage due to the added patio and larger front porch.
- b. The front setback distance would be reduced to 5 feet, 6 inches (covering the steps includes them within the line of the building, and negates the accessory structure exemption for entry stairs).
- c. The roof over the side steps would add negligible coverage, and still complies with the minimum 5 foot side-yard setback.
- d. The rear patio complies with the rear yard setback minimum of 5 feet allowed for patios as accessory structures/uses. See Fig. 3-07.
- e. Fences are allowed within 0 feet of the boundary. See Fig. 3-07.

B. Principal building: § 3002.B. *Only one building. Not applicable.*

C. Calculating Density: § 3002.D.

i. *Only 1 single-family home on parcel. No new units proposed. Not applicable.*

D. Height. *No changes in height proposed, not applicable.*

Staff Findings: The proposed porch renovation and external additions (including the patio) comply with the RES 1.5 footprint, height, and density requirements, as well as the side and rear setback requirements (the patio complies with the reduced rear accessory structure setback requirements).

The lot size, frontage, and height requirements generally don't apply here, where no changes affecting such are proposed. However, given the waiver request, it should be noted that the waiver is being requested for a parcel that currently doesn't conform to: (1) the minimum lot size; (2) minimum lot frontage; and (3) front, rear, and right side setbacks.

I. To grant a waiver, the Board must find that:

- o (4) "The [waiver], if authorized, shall not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the lawful use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare"; **and**
- (8) "The proposed land development is beneficial or necessary for the continued reasonable use of the property." § 4602 and Figure 4-02.

II. The requested renovated porch increases the degree of nonconformity with the front setback (the current porch is a nonconformity that may remain – but per § 1203, should not be increased).

- o Per § 3002, Figure 3-06, Applicant may request a waiver of the front setback, but by no more than 10% (here, a 1-foot reduction of a 10 foot minimum equals an allowed 9-foot setback). [Staff Note – Side and Rear setbacks may be reduced to not less than 5 feet. Front setbacks must rely on the “Other Dimensional Standards” Waiver limitation.]
- o Alternatively, § 3002.G states that “to encourage a regular building pattern along a street, the [AO] shall reduce the minimum front setback requirement to allow a principal building to match the average setback of the two closest principal buildings on the same side of the street.”
 - Although the neighbor to the North has only 2 feet between the property line and the front porch, the § 3002.G option doesn’t provide a solution here, as the neighbor’s porch to the South is setback more than 20 feet.

III. The current degree of coverage (60.1%) is another nonconformity that may continue under § 1203. However, the larger porch and the patio increase the amount of coverage to 69%.

- o Coverage maximum waiver, 5% or 2,000 SF more than district standard, whichever is less.
 - For this parcel, a 5% increase in coverage (to 65%) would be a maximum of 1,277.25 SF.
 - Under this proposal, the coverage increases from 1,182.67 to 1,368 SF – an increase of 185.33 SF.

Staff Comment: One option for Applicant to consider regarding coverage is whether it would be possible to create a permeable patio, versus the proposed stone patio. If the total “impervious” coverage can be reduced to 65%, the Board would have the option of a waiver. See § 5101.I(1) “IMPERVIOUS SURFACE means a surface composed of a material that impedes or prevents the natural infiltration of water into the soil including, but not limited to, rooftops, streets, driveways, sidewalks, walkways, patios and similar hard-surfaced areas whether constructed of concrete, asphalt, stone, brick, gravel or compacted earth, *unless they are specifically designed, constructed and maintained to be pervious.*” [Emphasis added.]

IV. Should the Board consider granting the waivers despite the Figure 3-06 Limitations noted above, it should consider the following:

- The issues involved with increasing the degree of a nonconformity.
- The limitations for improvement on a small (nonconforming) parcel.
- Prior decision regarding Pearl Street – Board didn’t allow waiver for deeper front porch.
- Character of the Neighborhood. How many other single-family homes in the neighborhood have front porches that fail to comply with the front setback, and to what extent?
- Whether the Applicant would be better served by a variance.

Staff Comment: Staff's opinion is that a variance is not the appropriate tool here, as the variance isn't necessary to "enable reasonable use of the property." See § 4603 and Fig. 4-02.

7. Section 3003. Accessory Structures and Uses: See notes re: accessory structure setbacks.
8. Section 3004. Demolition – *Not applicable. No demolition is proposed.*
9. Section 3005. Riparian Areas – *Not applicable. No regulated water bodies or water setbacks on property, or within approximately 50 feet of the rearmost corner of the property.*
10. Section 3006. Wetlands and Vernal Pools – *Not applicable.* The standards in § 3006 only apply to wetlands or vernal pools documented on the Montpelier Natural Resources Inventory Map. Staff confirmed that there are no such wetlands or vernal pools on or within 50 feet of the parcel through a visual inspection of the Map.
11. Section 3007. Steep Slopes – *Not applicable, no slopes on parcel.*
12. Section 3008. Erosion Control – The provisions of this section apply to land development that proposes to disturb or clear land on steep slopes that exceed the threshold amounts specified in Figure 3-08.
 - A. *Not applicable, triggers not met. No slopes, and area of disturbance will be less than 500 SF.*
13. Section 3009. Stormwater Management – Section 3009 outlines the requirements for stormwater management and requires that storm sewer system and other drainage improvements shall be in accordance with plans approved by the Director of Public Works. In no case shall stormwater discharge into a city sewer system if a separate system exists.
 - A. *Not applicable, no stormwater or drainage changes proposed.* Numerous catchbasins in the area. See below.



14. Section 3010. Access and Circulation – The purpose of this section is to promote safe and efficient access to and circulation within a property for vehicular, bicycle, and pedestrian traffic.
 - A. *Not applicable. No changes in use, access, circulation, or relevant layout proposed.*

15. Section 3011. Parking and Loading Areas – *Not applicable. No relevant changes proposed triggering re-examination.*

16. Section 3012. Signs – *Not applicable. No signs being proposed.*

Staff Suggested Motion Options:

- ❖ Motion to approve the request for approval of renovation and enlargement of the front porch, addition of a roof over a side stoop, and creation of a rear patio area at 29 Franklin Street, as presented in the application dated 6/13/2019 and supporting materials, subject to the following conditions of approval:

[Options for the Board's consideration]

- I. Impervious cover to be reduced to no more than 65% of the subject parcel, or 1,277.25 SF.
- II. [Possible conditions regarding size of rebuilt porch.]

OR

- ❖ Motion to deny the request for approval of renovation and enlargement of the front porch, addition of a roof over a side stoop, and creation of a rear patio area at 29 Franklin Street, as presented in the application dated 6/13/2019 and supporting materials, due to failure to comply with provisions of Montpelier's Unified Development Regulations, including, but not limited to, §§ 1203 and 3002.A and G.

MEMORANDUM

To: Development Review Board
From: Meredith S. Crandall, Planning and Zoning Administrator
Re: Application #Z-2019-0076
29 Franklin St. Waiver Hearing Cont.: Supplemental Materials Since July 8th
Date: July 18, 2019

Following please find additional documents provided by Ward Joyce (“Applicant”) regarding revisions to the front setback waiver request and coverage total proposed in the above-referenced application for an expanded porch and new patio at 29 Franklin Street. These materials are in response to comments from this Board and the Department of Public Works, and include:

1. A copy of the most recent front setback analysis from Applicant, as annotated by Tom McArdle, Director of Public Works, including an affirmation that the expanded porch would not constitute an issue for future public works projects.
2. A photographic comparison with neighborhood porch setbacks.
3. Updated Proposed Site Plan, dated 7/9/19, with changes to impervious cover achieved through use of permeable pavers and a reduced driveway length.

The new materials from Applicant appear to have resolved the coverage issues raised during the July 8th meeting. However, the Board will need to determine whether or not the evidence submitted is sufficient to justify granting a waiver of the front setback in excess of the explicit maximum waiver provided for in Section 3002 and Figure 3-06.

If possible, please bring the copies of the July 8th Staff Report on this application to the meeting on Monday. I will bring extras in case they’re needed. Thank you.

MSC

MONTPELIER DEVELOPMENT REVIEW BOARD REPORT

Prepared by Meredith Strobridge Crandall, Planning and Zoning Administrator

Date: June 25, 2019

For the meeting of July 8, 2019

REQUEST FOR DECREASED ACCESS SPACING

Applicant: Howie Michaelson

Owner: Same

Address: 2 Sunset Avenue

Application # Z-2019-0074

Zone: Residential 9000



Guiding Ordinance Sections: Montpelier Unified Development Regulations, Adopted by Montpelier City Council January 3, 2018, As Amended March 27, 2019 (the “Regulations”).

Chapter 200. General Provisions

Chapter 210. Base Zoning Districts & Neighborhoods

- o Section 2111. Residential 9000 (RES 9) Zoning District & Neighborhoods

Chapter 300. General Standards

- o Section 3001. Use Standards
- o Section 3002. Dimensional Standards
- o Section 3003. Accessory Structures and Uses
- o Section 3004. Demolition
- o Section 3005. Riparian Areas
- o Section 3006. Wetlands and Vernal Pools
- o Section 3007. Steep Slopes
- o Section 3008. Erosion Control
- o Section 3009. Stormwater Management
- o Section 3010. Access and Circulation
- o Section 3011. Parking and Loading Areas
- o Section 3012. Signs

Chapter 430. Development Review Procedures

Materials Submitted:

- a) Development Application, dated 10/25/18 (complete application not received until 5/29/19, then amended by Applicant);
- b) Zoning Permit Attachment, dated 10/25/18;
- c) Letter from Jacob R. Miller, of Jacob Miller Landscaping re: curb cut request for 2 Sunset Avenue, dated 10/25/18;
- d) Photographs of current parcel layout and with overlay of proposed new driveway and parking area, pp. 1–10, received by Department of Planning and Economic Development 6/14/19;
- e) Letter from Multiple Sunset Avenue Residents to Meredith S. Crandall, Planning and

Zoning Administrator, re: Application for Second Driveway Cut at Sunset Ave, pp. 1–3, dated June 5, 2019 (“Sunset Ave. Comments”);

- f) Letter from Mr. Michaelson to Ms. Crandall re: Request to create additional parking spaces at 2 Sunset, pp. 1–2, dated June 14, 2019 (“Narrative”);
- g) Email from Richard DeAngelis and Ariane Kissam to Ms. Crandall re: Curb cut proposal 2 Sunset Ave, dated June 18, 2019;
- h) 2 Sunset Ave. tax assessor map with ANR Atlas steep slopes overlay, dated 10/26/18;
- i) Michaelson 2 Sunset Ave Site Plan A, by Jacob Miller Landscaping, dated 5/10/19 (“Site Plan A”);
- j) Michaelson 2 Sunset Ave Site Plan B – with landscaping, by Mr. Michaelson, received by Dept. of Planning 6/14/19 (“Site Plan B”); and

Materials Provided By Staff:

- k) Email correspondence between Ms. Crandall, Mr. Michaelson, Mr. Miller, Audra Brown, and Zach Blodgett re: new curb cut at 2 Sunset Ave, discussing application requirements, dated 9/26/18 – 11/19/18 (the “2018 Emails”).

Project Scope & Applicant Request

Applicant seeks the Board’s approval to install a driveway at 2 Sunset Avenue that is less than the generally allowed distance from nearby driveways, and that is a second driveway to the parcel.

The subject parcel is located in the Residential 9000 (“RES 9”) Zoning District. The Application will first be reviewed by the Board on July 8, 2019.

STAFF REVIEW & COMMENTS

1. Existing Conditions: 2 Sunset Ave. is an existing 0.91 acre (roughly 39,600 SF) parcel that currently contains roughly 4,400 SF of coverage from a single-family home with an attached carport/covered patio, a small shed, and a short driveway.

The parcel is serviced by municipal water and sewer.

2. Location: The subject parcel is in the Towne Street Neighborhood in the RES 9 Zoning District. The parcel is located in the curve of Sunset Avenue (a dead-end street), and is in the mid-range size for the Neighborhood, see blue outlined area adjacent.



3. Permit/Parcel History

This application first came into the Planning and Economic Development Office in October

of 2018. However, the plan was missing critical information, such as property lines and so was not deemed complete by the Zoning Administrator until the relevant deficiencies were remedied in May of 2019 with the Site Plan A. See also 2018 Emails.

In the interim, the Department of Public Works had processed a separate application for the DPW access permit (see chart below), and approved the second access/driveway for 2 Sunset Ave., but to avoid confusion and at the Zoning Administrator's request has not yet issued the permit.

After the Planning Department received Applicant's May Application, comments were received from some of the neighbors on Sunset Avenue opposing the requested second driveway. In response, Applicant submitted Site Plan B and the Narrative, responding to the neighbors' issues, including clarity regarding why the driveway is requested, current issues raised by on-street parking on Sunset Avenue, a potential proposal for additional landscaping, the desire to maintain the mature oak between the current and proposed driveway locations, and Applicant's willingness to allow neighbors to use the long driveway for off-street parking under certain conditions. Property owners from 5 Sunset Avenue submitted an email supporting the project.

See below for additional details regarding recent zoning, building, and public works permit history for 2 Sunset Ave.:

Case #	Site Address	Primary Contact	Department	Type	Project	Project Description	Status	Submitted	Issued	Closed
PW-0016-2019	2 Sunset Ave	HOWIE MICHAELSON	PUBLIC WORKS	PUBLIC WORKS PERMIT	2 SUNSET AVE	NEW ACCESS TO PUBLIC ROAD	READY	05/21/2019		
D-2018-0286	2 SUNSET AVE	Howard Michaelson	MONTPELIER DEVELOPMENT	DEVELOPMENT PERMIT	C & A for sewer repair.	C & A for sewer repair.	PENDING	10/19/2018		
PW-0035-2018	2 SUNSET AVE	Howard Michaelson	PUBLIC WORKS	PUBLIC WORKS PERMIT	C & A for sewer repair.	C & A for sewer repair.	READY	10/19/2018		
B-2018-0033	2 SUNSET AVE	Howard Michaelson	BUILDING	BUILDING PERMIT - SINGLE FAMILY	Installation of 2 top of pole solar mounts.	Installation of 2 top of pole solar mounts	ISSUED	02/22/2018	03/15/2018	

4. Procedural Status: As the subject parcel contains a single-family home, no Site Plan provisions apply here. A new curb cut for a single-family home would normally be only an administrative zoning permit and a permit from the Department of Public Works. However, the Board is the only entity authorized to grant permission for: (i) two access points under § 3011; and (ii) a reduction in the residential access spacing requirements of § 3010.B(4). See ##14, 15, & 17 below for full analysis.

CHAPTER 300 GENERAL STANDARDS

5. Section 3001. Use Standards

- A. Applicability. The land development shall conform to the use standards for the applicable zoning district. Per the Use Table at Figure 2-15:
 - i. Single-family homes are "permitted" uses in the RES 9 District, and no change of use is requested.
- B. Mixed uses. *Not applicable*.

Staff Findings: No change of use is proposed, and single-family homes are allowed at this address, so the proposal complies with § 3001.

6. Section 3002. Dimensional Standards

- A. Applicability. Land development shall conform to the dimensional standards for the applicable zoning district, as set in Chapter 200. Figure 2-08 establishes the dimensional standards for development in the RES 1.5 District as follows:

Figure 2-11. Residential 9000 District Dimensional Standards

LOTS	SETBACKS	DENSITY	BUILDINGS
Lot size: 9,000 sf min Frontage: 75 ft min Coverage: 40% max	Front: 20 ft min Side: 15 ft min Rear: 30 ft min Water: 25 ft min	Residential: 1 du/9,000 sf max Floor Area Ratio: 0.5 FAR max	Footprint: 2,500 sf max Height: 35 ft max

Note 1 See Section 3002 for specific information and any exceptions regarding dimensional standards. Accessory structures may have reduced dimensional standards (see Section 3003 for specific details regarding accessory structures).

- i. The parcel is roughly 39,600 SF, with approximately 140 feet of frontage on Sunset Ave., and approximately 11.11% coverage (~4,400 SF). Building footprint is below the maximum allowed (roughly 2,300 SF as estimated by Staff using the City's GIS software). The current setback distances are:
 - a. Front – roughly 20 feet to the house, with a driveway extending to the property line as allowed by § 3003 and Figure 3-07.
 - b. Rear – 80+ feet to the rear of the home. 70+ feet to the rear of the existing shed.
 - c. Side R – 60+ feet to the home. Roughly 40 feet to the shed.
 - d. Side L – Roughly 18 feet to the northwest side of the house.
- ii. After the proposed improvements:
 - a. The parcel would have approximately 1,200 SF more coverage from the new driveway and parking area, for a total of 14.14% (5,600 SF).
 - b. Per § 3003, driveways may extend up to the property line. See Fig. 3-07.

B. Principal building: § 3002.B. *Only one building. Not applicable.*

C. Calculating Density: § 3002.D.

- i. *Only 1 single-family home on parcel. No new units proposed. Not applicable.*

D. Height. *No changes in height proposed, not applicable.*

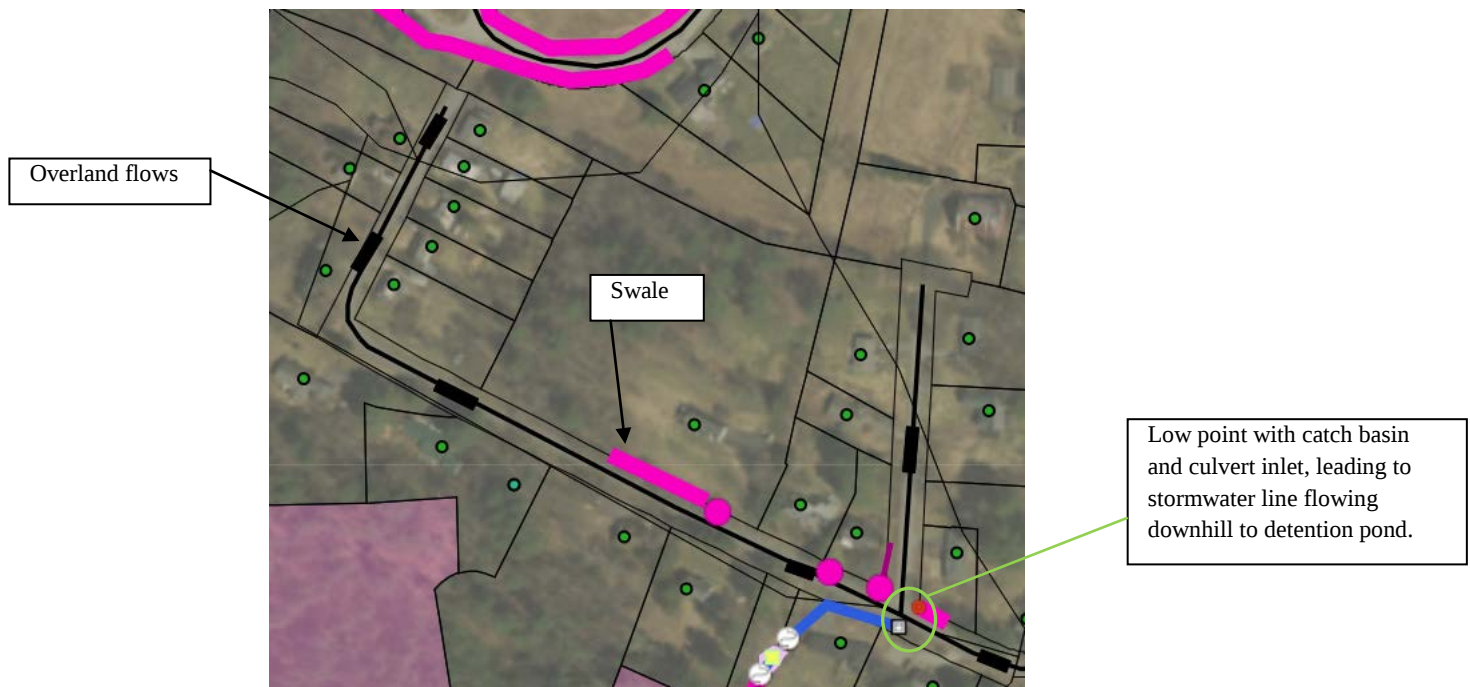
Staff Findings: As detailed above, the proposed new driveway and parking area comply with the dimensional requirements of § 3002.

7. Section 3003. Accessory Structures and Uses: *See notes re: accessory structure setbacks above.*
8. Section 3004. Demolition – *Not applicable. No demolition is proposed.*
9. Section 3005. Riparian Areas – *Not applicable. No regulated water bodies or water setbacks on property, or within approximately 50 feet of the rearmost corner of the property.*
10. Section 3006. Wetlands and Vernal Pools – *Not applicable.* The standards in § 3006 only apply to wetlands or vernal pools documented on the Montpelier Natural Resources

Inventory Map. Staff confirmed that there are no such wetlands or vernal pools on or within 50 feet of the parcel through a visual inspection of the Map.

11. Section 3007. Steep Slopes – Not applicable, no slopes impacted.
12. Section 3008. Erosion Control – The provisions of this section apply to land development that proposes to disturb or clear land on steep slopes that exceed the threshold amounts specified in Figure 3-08.
 - A. *Not applicable, triggers not met. No slopes of >25% impacted, and area of disturbance will be less than 6,000 SF.* See Site Plan A and letter from Mr. Miller re: full area of impact given regrading and other disturbance.
13. Section 3009. Stormwater Management – Section 3009 outlines the requirements for stormwater management and requires that storm sewer system and other drainage improvements shall be in accordance with plans approved by the Director of Public Works. In no case shall stormwater discharge into a city sewer system if a separate system exists.
 - A. *Not applicable, no appreciable impact on stormwater or drainage.*

Staff Comment: The Department of Public Works approved the project separately and expressed no concerns with stormwater. See existing stormwater protection measures below.



14. Section 3010. Access and Circulation – The purpose of this section is to promote safe and efficient access to and circulation within a property for vehicular, bicycle, and pedestrian traffic.
 - A. Vehicular access. Section 3010(B) requires that all lots being developed or redeveloped to provide vehicular access from the street in accordance with any city public works specifications, VTrans' B-71 Standard, and the standards listed in § 3010. Those standards include:

- i. General. All proposed land development shall be designed with adequate access and circulation to prevent traffic congestion on the street and traffic conflicts (including service vehicles, passenger vehicles, parking, drive through lanes, bicyclists and pedestrians) within the site.
- ii. State or Class 1 highways. *Not applicable. Sunset Avenue is a Class 3 town highway.*
- iii. Number. **Per Subsection 3010.B(3), “A lot may be served by only one access point except as provided for below: (a) A corner lot not fronting on a state or Class 1 highway may have one access point on each street provided that the spacing requirements specified below shall be met. (b) The Development Review Board may approve more than one access on a lot when necessary to accommodate unique physical conditions on the property, to provide adequate emergency access, or to provide adequate traffic circulation within the site.”**
 - a. Applicant is requesting a second access point for the subject lot, which fronts on a Class 3 city road.
 - b. As detailed in the Narrative, Applicant is requesting the 2nd curb cut to alleviate parking and traffic flow issues on the subject parcel – as well as to potentially alleviate some of the parking issues and potentially hazardous conditions created on the street due to the relatively small amount of off-street parking available on this portion of a dead-end street.
 - c. There is a mature oak to the east of the current driveway which Applicant wishes to retain, both for the benefits to his own property and for the aesthetic benefits to the neighborhood. Expanding the current driveway to allow for additional parking would likely damage the roots of this tree, while Applicant is hoping to reduce such damage going forward.
- iv. Spacing. **Per Subsection 3010.B(4), Access points shall be spaced as specified in figure 3-11, which for RES 9 requires a minimum of: (1) 100 feet between curb cuts and intersections; and (2) 45 feet between driveways. “The Development Review Board may: (a) Reduce the spacing for residential driveways based on the site and street conditions. (b) Reduce the spacing distance when it is not physically feasible to achieve and upon the applicant obtaining an access permit from the city or state, as applicable.”**
 - a. The current curb cut on Sunset Ave. appears to be roughly 20 feet from the nearest neighbor’s driveway (1 Sunset Ave.).
 - b. Per the scale on Site Plan B, the proposed new curb cut would be approximately:
 - 1) 32 feet from the existing access on 2 Sunset Ave.
 - 2) 20 feet from the driveway for 1 Sunset Ave.
 - 3) 24 feet from the driveway for 3 Sunset Ave.
 - 4) 50 feet from the driveway for 4 Sunset Ave (although a notation on Site Plan B seems to indicate that this distance may actually be 39 feet).

- c. The City's Department of Public Works was ready to issue an access permit for the proposed second curb cut in May 2019, but the Zoning Administrator requested that it be held until the Board was able to consider the zoning permit application.
- d. Distances to intersections are not at issue.
- v. Cross access. § 3010.B(5). *Not applicable to residential development.*
- vi. Length. Per subsection B.(6), "Driveway length and internal circulation patterns shall be adequate to prevent vehicles entering and exiting the site from causing queuing on the street."
 - a. New driveway appears to be of sufficient length and width to avoid queuing.
 - b. **Current driveway/parking area has no queuing issues for the cars that park in it. However, with the minimal off-street space, queuing for drop-off and pick-ups can occur on the street.**
- vii. Emergency access. *Not applicable.*
- viii. Street improvements. *Not applicable, no new streets created.*
- ix. Non-conformities. Any non-compliances with requirements for spacing of current access points are non-conformities that may remain, unchanged.

Staff Findings: The Board will need to make a couple of determinations:

- 1. Has Applicant provided sufficient evidence for the Board to find that a 2nd access point is warranted for 2 Sunset Ave. per Subsection 3010.B(3) as it is "necessary to accommodate unique physical conditions on the property, to provide adequate emergency access, or to provide adequate traffic circulation within the site"?**
 - a. If not, the Board could approve the new access point, on the condition that the current access point and parking area are removed, with appropriate re-seeding of grass or other plantings.
- 2. Has Applicant provided sufficient evidence for the Board to find that the site and street conditions at 2 Sunset Avenue warrant a reduction in the typical spacing minimums under Subsection 3010.B(3)?**

15. Section 3011. Parking and Loading Areas

- A.** Residential uses in RES 9 are required to have a minimum of 1 off-street parking space for each unit. § 3011.C and Figure 3-11.
- B.** Per § 3011.D. creating more than 2x the minimum amount of parking requires Board approval in accordance with the following: (1) submission of a parking study demonstrating that the additional parking is necessary; and (2) the Board may condition approval of any parking in excess of the minimum on the additional area being surfaced with pervious materials and being phased so that it is constructed only as warranted to meet future demand."
- C.** Off-street parking shall be behind the front line of the building (inclusive of vehicle overhang) – except that personal vehicles may be parked within any lawful residential driveway. § 3011.G(2).

- D. Parking spaces must be 8.5 feet wide by 18 feet deep, except for compact car spaces approved by the DRB. § 3011.H(1).
- E. Parking spaces must be accessible from a driveway or access aisle, except for “tandem parking (a double-depth parking space with one vehicle parking the other in) for residential or employee parking.” § 3011.H(1)(b).
- F. Off-street parking must have a “firm, level surface appropriate for the anticipated level of use in all seasons.” § 3011.I(1).
- G. Snow storage areas should be identified for compliance with § 3011.I(4) – requiring adequate space for snow storage on site without obstructing vehicle or pedestrian visibility or circulation to the maximum extent feasible given the physical characteristics of the property.
- H. Sites with nonconforming parking areas must come into conformance with § 3011 to the maximum extent feasible given the physical characteristics of the lot and the existing development when there is going to be an increase in the amount of parking, a change in the location of parking on the site, or a substantial change to the site layout, access and circulation.
 - i. Applicant currently has room to park up to two vehicles within the residential driveway in the front of the home. Whether or not this counts as two “parking spaces,” or merely the allowable “parking in a residential driveway” despite being between the frontline of the building and the road is unclear.
 - ii. Applicant’s proposed new driveway leads to an area that could be the proper size for two official parking spaces.
 - a. See Photo # 9, which measures the final parking area as 18 feet wide by 20 feet deep. Compare to Site Plan B which lists it as 19 feet wide and 18 feet deep. To accommodate two standard parking spaces, the parking area must be at least 17 feet wide and 18.5 feet deep.
 - b. However, remember that residential parking may be tandem.

Staff Comments: Should the Board approve the Application as proposed, it may be difficult to argue that no more than two parking spaces exist on the property.

Given the maximum parking limitations, Staff suggests that the Board request additional input from Applicant regarding whether the proposed new driveway and parking area (alone) will meet his family’s needs. Provided that the Board has approved installation of the new access point with reduced spacing requirements under § 3010, then a condition requiring the removal of the current driveway and parking area would also resolve any excess parking space complications.

16. Section 3012. Signs – *Not applicable. No signs being proposed.*

17. Miscellaneous – None of the Regulations applicable to a curb cut request for a single-family home contain landscaping or screening requirements through which the Landscaping and Screening provisions of Section 3203 can be applied to this application. However, Applicant has included potential landscaping within Site Plan B and as part of the Narrative.

Staff Comment: Given the above, Staff suggests that the Board question Applicant during the

July 8th hearing and determine whether:

A. Applicant wishes the potential landscaping to be a part of the application that is before the Board for approval (potentially similar to a negotiated settlement with the neighbors currently in opposition to the project) – and therefore enforceable should Applicant fail to install such.

OR

B. Applicant is merely stating that he “might” install the landscaping reflected on Site Plan B, depending in part on the actual costs of the project and budgetary concerns.

Staff Suggested Motion Options:

- ❖ Motion to approve the request for approval to install a new driveway at 2 Sunset Avenue that is less than the generally allowed distance from nearby driveways, as presented in the application dated 10/25/2018 and supporting materials, subject to the following conditions of approval:

[Options for the Board’s consideration]

- I. The impervious surface on the current driveway and parking area to be removed, and the area returned to lawn or other landscaping – the specific plantings to be at Applicant’s discretion.

OR

- ❖ Motion to deny the request for approval to install a second driveway at 2 Sunset Avenue that is less than the generally allowed distance from nearby driveways, as presented in the application dated 10/25/2018 and supporting materials, due to **[Board to provide reasoning]**.

MONTPELIER DEVELOPMENT REVIEW BOARD REPORT

Prepared by Meredith Strobridge Crandall, Planning and Zoning Administrator

Date: July 18, 2019

For the meeting of July 22, 2019

CONDITIONAL USE REVIEW & MINOR SITE PLAN

Applicant: Vermont Natural Resources

Council, by Brian Shupe

Owner: Ernest W. Gibson III by Margaret

McCoy, POA and Charlotte H. Gibson

Address: 11 Baldwin Street

Application # Z-2019-0088

**Zone: Mixed Use Residential/Capitol
Complex**



Guiding Ordinance Sections: Montpelier Unified Development Regulations, Adopted by Montpelier City Council January 3, 2018, As Amended March 27, 2019 (the “Regulations”).

Chapter 200. General Provisions

Chapter 210. Base Zoning Districts & Neighborhoods

- Section 2107. Mixed Use Residential (MUR) Zoning District & Neighborhoods

Chapter 220. Overlay Zoning Districts

- Section 2201. Design Control Overlay District

Chapter 300. General Standards

- Section 3001. Use Standards
- Section 3002. Dimensional Standards
- Section 3003. Accessory Structures and Uses
- Section 3005. Riparian Areas
- Section 3007. Steep Slopes
- Section 3008. Erosion Control
- Section 3009. Stormwater Management
- Section 3010. Access and Circulation
- Section 3011. Parking and Loading Areas
- Section 3012. Signs

Chapter 320. Site Plan Standards

- Section 3201. Major/Minor Site Plan Determination
- Section 3202. Access and Circulation
- Section 3203. Landscaping and Screening
- Section 3204. Outdoor Lighting
- Section 3205. Outdoor Seating, Display or Storage
- Section 3206. Solar Access and Shading and Energy Conservation
- Section 3207. Design and Compatibility

Chapter 330. Conditional Use Standards

- Section 3301. Applicability
- Section 3302. Capacity of Community Facilities and Utilities
- Section 3003. Traffic
- Section 3004. Character of the Neighborhood

Chapter 430. Development Review Procedures

Materials Submitted:

- a) Development Application, dated June 20, 2019;
- b) Zoning Permit Attachment, received by the Department of Planning and Economic Development June 21, 2019;
- c) Request for a Conditional Use Review, received by the Department of Planning and Economic Development June 21, 2019;
- d) 11 Baldwin Street Exterior Photos:
 - a. View from South East corner (standing in driveway entrance);
 - b. View from rear of driveway (facing south west);
 - c. View from sidewalk.
- e) 11 Baldwin St, VNRC Site Plan, Sheet No. C1.01, dated June 20, 2019 (the “Site Plan”);
 - a. 8.5 x 11 Site Plan annotated with one-car garage location; and

Materials Provided by Staff:

- f) Email correspondence from Tom McArdle, Montpelier’s Director of Public Works, to Ms. Crandall re: DPW comments on 11 Baldwin application, dated June 26, 2019 (“DPW Comments”).

Project Scope & Applicant Request

Applicant seeks conditional use approval to convert a single-family dwelling to an office, including changes to the number of off-street parking spaces available and widening the curb cut and driveway.

The subject parcel is located in the Mixed Use Residential (“MUR”) Zoning District, as well as the Capitol Complex. The Application will first be reviewed by the Development Review Board (the “Board”) on July 22, 2019.

STAFF REVIEW & COMMENTS

1. Existing Conditions: 11 Baldwin Street is an existing .297 acres (12,950 SF) parcel containing a single-family home with an attached, one-car garage, and driveway that extends from the southeastern corner of the parcel to the garage at the rear of the building.

The building is listed as a contributing historic structure on the National Register of Historic Places, listed as c. 1850/c. 1900, wood frame, clapboarded, 2 ½ stories, gabled roof sheathed in slate, five-bay façade, cornice returns. The front center door of this house has leaded glass sidelights and an elliptical fanlight. The main Greek Revival style house has a c. 1900 Colonial Revival gabled porch entry, with arched soffit and fluted Ionic columns. A two-story bay window with flared eaves between first and second story is on the east facade

along with a small, one-story wing. The windows have two-over-two light sash and louvered shutters.

2. Location: The subject parcel is in the Redstone Neighborhood in the MUR Zoning District. Baldwin Street runs west from the State House, and contains almost entirely office uses – many state government offices, with only 15 Baldwin at the corner of Bailey Avenue being residential (multi-family dwelling).
3. Permit/Parcel History: Prior zoning permits included landscaping and repairing granite steps in 2008 (Permit #Z-5334) and replacing the roof in 2010 (Permit #Z-5766).
4. Procedural Status: The Board must apply the following standards to this application:
(i) General; (ii) Minor Site Plan – as the application includes site changes to a commercial use, with construction of less than 2,000 SF of impervious cover; and (iii) Conditional Use – see below.

CHAPTER 220 OVERLAY ZONING DISTRICTS

5. Section 2201. Design Control Overlay District
 - A. Per § 2201.A, properties within the Capitol Complex are excluded from the Design Control Overlay District, and therefore do not need to go through Design Review.

Staff Comment: Development at 11 Baldwin Avenue will have to go through the Capitol Complex review process.

CHAPTER 300 GENERAL STANDARDS

6. Section 3001. Use Standards
 - A. Applicability. The land development shall conform to the use standards for the applicable zoning district. Per the Use Table at Figure 2-15:
 - i. Office uses are conditional in the MUR Zoning District.
 - B. Mixed uses. Any combination of permitted or conditional uses allowed on a single lot.
 - C. Prohibited uses. Per § 3001.C, uses “not specifically listed are prohibited unless the Administrative Officer finds that the unlisted use: (1) is materially similar to a listed use in accordance with Subsection 3001.D; or (2) is required to be permitted in a zoning district by state or federal law.”
 - D. Materially similar uses. *Not applicable*.
 - i. The current use of 11 Baldwin St. is as a single-family home. Applicant is requesting to convert the building to 2,660 SF of office space and 1,140 SF of general storage/unfinished space for Applicant’s use. The building will serve as many as 14 staff.

Staff Findings: Both the current single-family use and the proposed office and use are allowed in MUR. However, the Office Use requires Conditional Use Review. See ##25–28, below, for further analysis.

7. Section 3002. Dimensional Standards

- A. Applicability. Land development shall conform to the dimensional standards for the applicable zoning district, as set in Chapter 200. Figure 2-07 establishes the dimensional standards for development in the MUR District as follows:

Figure 2-07. Mixed Use Residential District Dimensional Standards

LOTS	SETBACKS	DENSITY	BUILDINGS
Lot size: 3,000 sf min Frontage: 45 ft min Coverage: 70% max	Front: 5 ft min Side: 5 ft min Rear: 10 ft min Water: 25 ft min	Residential: 1 du/1,500 sf max Floor Area Ratio: 1.0 FAR max	Footprint: 3,000 sf max Height: 24 ft min, 40 ft max

Note 1 See Section 3002 for specific information and any exceptions regarding dimensional standards. Accessory structures may have reduced dimensional standards (see Section 3003 for specific details regarding accessory structures).

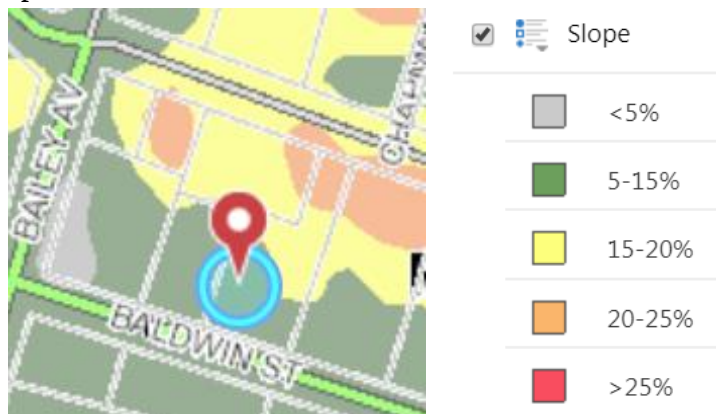
- B. Driveways are accessory structures allowed up to the property line, per Fig. 3-07 and § 3303.C.
- C. Nonconformities are lots, structures and uses that: “(1) Legally existed on the effective date of these regulations; (2) Do not comply or conform to the provisions of these regulations; and (3) Did comply or conform to any and all applicable laws, ordinances and regulations in place at the time they were created, constructed or commenced.” § 1203.A.
- D. “A nonconformity may continue to exist unchanged indefinitely.” § 1203.B
- i. The existing parcel:
 - a. Is .297 acres (12,950 SF), has approximately 84 feet of frontage on Baldwin St., and 22.4% (2,902 SF) coverage.
 - b. *The building setbacks and building footprint are not applicable here, where no changes to such are proposed.*
 - ii. The only proposed dimensional change to the site plan for conversion to an office use is the expansion of the driveway by 1,280 SF to allow for more off-street parking and a wider curb cut. This change:
 - a. Complies with the 0 foot setback for driveways under the accessory structure standard.
 - b. Results in a total impervious area of 4,182 SF (or 32.3% coverage).
- E. Principal building: § 3002.B. *Not applicable.*
- F. Calculating Density: § 3002.D.
- i. In MUR, residential density is calculated as 1 dwelling unit per each 1,500 SF of parcel area. § 3002.C.
 - ii. Nonresidential density is measured as FAR, the ratio of gross floor area to the total lot area – with the MUR District having a maximum FAR of 1.0. § 3002.D.
 - a. Here, the office use will be in only 2,660 SF, with the remainder of the building unfinished, equaling a FAR of 0.205.

- G. Height. *Not applicable, no structures being changed or new structures proposed.*

Staff Findings: The subject parcel and proposed site plan changes meet the minimum lot size, frontage, setback, and coverage requirements for the MUR District. Further, the proposed Office Use complies with the MUR District’s density requirements.

The height and building footprint standards don't apply here, where no relevant changes are proposed. Any failures of the current structures to comply with such standards would be nonconformities that could continue to exist.

8. Section 3003. Accessory Structures and Uses: See above regarding the driveway setbacks.
9. Section 3004. Demolition – Not applicable. No demolition is proposed.
10. Section 3005. Riparian Areas – Not applicable. No regulated water bodies or water setbacks on property, or within approximately 500 feet of the property, per the Montpelier Natural Resource Inventory Map.
11. Section 3006. Wetlands and Vernal Pools – Not applicable. The standards in § 3006 only apply to wetlands or vernal pools documented on the Montpelier Natural Resources Inventory Map. Staff confirmed that there are no such wetlands within 500 feet of the parcel boundary and no vernal pools within 500 feet of the parcel through a visual inspection of the Map.
12. Section 3007. Steep Slopes – Section 3007 applies to land development that proposes to disturb or clear land on steep slopes that exceeds the threshold amounts specified in Figure 3-08, all of which are 15% or greater.
 - A. Per § 3007.D, Applicant and the Board may “rely on ... elevation and slope data available the city or state (see the Vermont Agency of Natural Resource’s *Natural Resource Atlas*). [Emphasis in original.]
 - B. To trigger an engineered plan, a project must disturb: (i) more than 4,000 SF of land of $\geq 15\%$ slope; (ii) more than 3,000 SF of land of $\geq 20\%$ slope.
 - i. Per the ANR Atlas, the <2,000 SF of land disturbed for the proposed wider driveway contains almost exclusively slopes of 15% or less, with possibly a *de minimis* amount of land in the 15-20% category. See excerpt below and compare to Site Plan 1-foot contour LIDAR data.



Staff Findings: Section 3007 doesn't apply to this proposal, because the proposed changes to the driveway appear to impact, at most, 2,000 SF of land – 1,280 SF of new pavement plus impacts from actual construction, with the vast majority in the $\leq 15\%$ slope category.

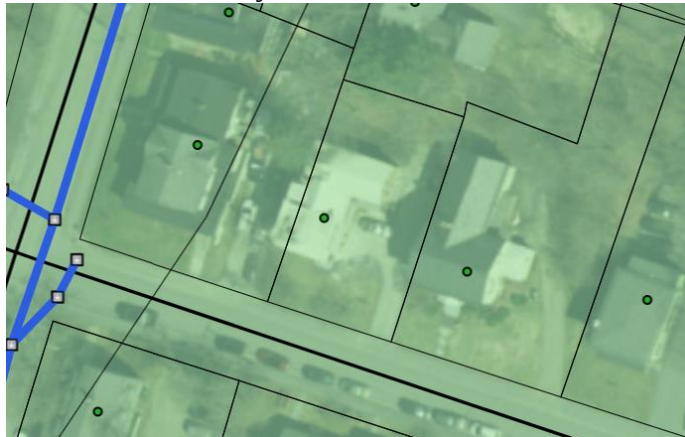
13. Section 3008. Erosion Control

- A. This section is intended to “promote construction practices on development and redevelopment sites that limit soil disturbance and compaction, and minimize erosion and sedimentation of downstream water bodies.” § 3008.A.
- B. Per subsection B, all construction activities that will disturb soil must “implement appropriate measures to prevent erosion and sedimentation from adversely impacting nearby properties, public infrastructure or downstream water bodies” through following the practices outlined in § 3008.D.
- C. Per § 3008.B(1), development that obtains a state construction general or individual permit is assumed to have met the requirements of § 3008.
- D. Professionally prepared erosion control plans are required for projects disturbing more than 10,000 SF of soil on a parcel that is steeper than 10%, more than 8,000 SF of soil steeper than 15%, and 6,000 SF of soils that is steeper than 20%.
 - i. Per the Site Plan and the ANR Atlas data noted above, this project appears to impact, at most, 2,000 SF of land – 1,280 SF of new pavement plus impacts from actual construction, with the vast majority in the $\leq 15\%$ slope category.

Staff Findings: Applicant’s expansion of the driveway will need to comply with the best practices listed in § 3008.D, but a professionally prepared erosion control plan isn’t required, given the small amount of gentle slopes impacted.

14. Section 3009. Stormwater Management – Section 3009 outlines the requirements for stormwater management and requires that storm sewer system and other drainage improvements shall be in accordance with plans approved by the Director of Public Works. In no case shall stormwater discharge into a city sewer system if a separate system exists.

- A. Per subsection B, a “stormwater management plan shall be submitted for review and approval” by the Board when “required by the Director of Public Works.”
 - i. Mr. McArdle has reviewed the proposal, and doesn’t require a stormwater management plan.
 - ii. As determined by the Site Plan contours, experience with the location, and viewing the stormwater infrastructure shown on the Montpelier GIS map layer shown below – stormwater from the parcel will flow to Baldwin Street, and then flow to the west, towards the catch basins (grey squares) at the intersection of Bailey and Baldwin.



Staff Findings: Given that the Director of Public Works hasn't requested a stormwater management plan, that municipal stormwater infrastructure exists in the area and is utilized by other similarly situated offices along Baldwin Street, and the small increase in impermeable surface proposed, Staff finds that this proposal meets the requirements of § 3009.

15. Section 3010. Access and Circulation – The purpose of this section is to promote safe and efficient access to and circulation within a property for vehicular, bicycle, and pedestrian traffic.

- A. Vehicular access. Section 3010(B) requires that all lots being developed or redeveloped provide vehicular access from the street in accordance with any city public works specifications, VTrans' B-71 Standard, and the standards listed in § 3010. Those standards include:
- i. General. All proposed land development shall be designed with adequate access and circulation to prevent traffic congestion on the street and traffic conflicts (including service vehicles, passenger vehicles, parking, drive through lanes, bicyclists and pedestrians) within the site.
 - ii. State or Class 1 highways. *Not applicable, Baldwin Street is a Class 3 Town Highway.*
 - iii. Number. Shared access between adjacent properties is strongly encouraged. A lot may be served by only one access point except, that a corner lot that does not front on a State or Class 1 highway may have one access point on each street, provided that the spacing requirements are met. § 3010.B(3).
 - a. Only one access to the parcel.
 - iv. Spacing. Access points shall be spaced as specified in Fig. 3-11. Spacing for the MUR district is a minimum of 50 feet to any intersection and 30 feet between other driveways.
 - a. Applicant is proposing to expand the driveway to the west. Exact distances between driveways on the same side of the street aren't provided in the Application materials, and none regarding those across the street; however, based on the Site Plan scale and Staff's review of the City's GIS data:



- 1) There is currently: (i) Approx. 45 feet between the subject driveway and that to the east; (ii) Nearly 70 feet to the driveway immediately to the west; and (iii) Approx. 30 feet between the subject driveway and the one directly across the street.

- v. Cross access. *Not applicable here, where driveway exists currently.*
- vi. Length. § 3010.B(6) requires sufficient driveway length and circulation patterns adequate to prevent queuing in the street.

- a. Based on Staff's review of the Site Plan, the proposed expanded driveway appears to be approximately 14 feet wide (with a 10 foot bottle neck in the middle) and roughly 70 feet long.
- vii. Emergency access. *Not applicable. No changes proposed appear to impact emergency access.*
- viii. Street improvements. "[A]pplicant may need to fully or partially fund or to construct a turn lane, traffic signal, intersection redesign or other street improvements if necessary to accommodate anticipated traffic and minimize congestion as warranted by a traffic study."
 - a. No traffic study requested by Public Works.
 - b. No actual new trips to the neighborhood resulting from this proposal, where Applicant would shift vehicle traffic from the corner of Bailey and Baldwin to this new location, roughly 160 feet down the road.
 - c. There will be some level of new traffic to the neighborhood, to be determined pending a new tenant at 9 Bailey Avenue.
- ix. Non-conformities. Nonconformities must come into conformance when changes are proposed to the site layout, access, or circulation.

Staff Findings: Per the above, the proposal includes one, existing access point, which meets the number, spacing, cross access, and emergency access requirements of § 3010. Pearl Street is a Class 3 Highway, therefore § 3010.B(2) isn't applicable.

The Board will need to make a determination regarding driveway length and any need for street improvements. Given that the Director of Public Works has reviewed this application, and has not suggested the need for a traffic study, Staff suggests that the Board find that the likely increase in traffic to the neighborhood will not be significant enough to warrant a traffic study or street improvements.

16. Section 3011. Parking and Loading Areas – Section 3011 is intended to ensure that development provides adequate off-street parking and loading areas to avoid congestion on surrounding streets while also avoiding excessive parking that results in increased flooding, decreased water quality, increased land consumption and sprawl, and a less attractive and pedestrian friendly environment.
 - A. Amount of Parking and Dimensional Standards (§ 3011.C, D, & H) **Per the Figure 3-13 requirements, commercial uses with limited customer traffic require 1 parking spaces per each 600 SF of GFA. No more than twice that may be created without the Board's approval following a parking study. Section 3011.H(1) requires that parking spaces be 18 feet long by 8.5 feet wide.**
 - B. Per § 3011.C(3), "the Board may waive some or all of the minimum parking requirements to the extent that ... (c) There is adequate on-street or public parking available within 1,000 feet of the proposed development to meet all or a portion of the demand; (d) there is an existing or proposed public transit stop within ¼ mile of the proposed development; or (e) the proposed development shall provide secure, enclosed bicycle storage and shower facilities for employees who bicycle, job or walk to work."

- C. Access aisles within a parking lot or structure may not be less than 20 feet wide, except for one-way aisles servicing angled parking spaces designed in accordance with accepted engineering standards.
 - i. Per Figure 3-13, the proposed 2,660 GFA of office use with limited customer traffic (customers or visitors that arrive infrequently and primarily by appointment) requires 5 parking spaces. See Figure 3-13 Notes, requiring minimum parking results be rounded up to the nearest whole number.
 - ii. The Zoning Permit Attachment states that there are currently 3 parking spaces on the parcel, and applicant proposes 4. However, the two-marked spaces in the driveway don't appear to be able to be counted towards the minimum – see locational standards discussion below.
 - iii. No specific measurements of parking spaces have been provided, but per the scale on the Site Plan, Staff estimates that the in-driveway parking spaces are ~16 feet long and 8.5 feet wide. It doesn't appear that the area for parking within the garage could be much larger.
 - iv. The aisle beside the in-driveway parking spaces is less than 20 feet wide.
 - v. There is on-street parking on Baldwin Street, but as indicated in the DPW Comments, this parking can be limited at times – particularly when the State Legislature is in session. See additional detail below.
 - vi. There is a regular GMTA bus stop at the corner of State and Bailey, as well as the seasonal Capital Shuttle which stops at the State House.

DPW Comments: “There is only a limited amount of available on-street parking in this area with demand typically exceeding supply especially during the Legislative session. Additional office use without adequate parking accommodation will create additional demand for on-street parking in the surrounding neighborhoods which currently stresses municipal services to manage. Considering that walking and biking are largely weather and proximity dependent, alternative transportation with secure off-site parking should be considered for the life of the permit.”

- D. Shared Parking, § 3011.E. No shared parking proposed in this application, though proposing a shared parking plan could resolve the issues noted above with the lack of on-site parking.
 - i. To be approved, Applicant would need to demonstrate that the proposed shared parking plan: (1) Met the minimum parking requirements for each use as determined per the requirements of Figures 3-13 and 3-14, with the highest requirement used as the minimum use; and (2) is located within a 1,000 foot walk of the associated use(s). Further, Applicant would have to: (3) provide a written shared parking agreement between “owners and lessees” executed for a minimum of 20 years; and (4) supply plans showing “the locations of the use(s) or structure(s) for which shared or off-site parking shall be provided, the location of the parking, and the schedule of times used by those sharing the parking.”
- E. Loading Areas. Section 3011.F states that uses “that will regularly receive deliveries or generate shipments by truck shall demonstrate that there will be adequate off-street space for loading and unloading without interfering with traffic circulation, access, and parking.
 - i. *Not applicable.* Applicant's business doesn't require regular truck deliveries.

- F. Locational Standards. Per § 3011.G, parking areas: (1) must be on the same lot, unless compliant with the shared parking provision; (2) must be located behind the frontline of the building; and (3) are encouraged to be behind buildings.
- i. Both in-driveway parking spaces appear to be at least partly in front of the primary building, and therefore cannot be counted towards the minimum required parking spaces.

Staff Comment: The driveway – whether or not it was behind the frontline of the building – was an allowable place to park vehicles when this was a residence. However, with the conversion to a commercial use, the residential driveway exemption is nullified.

- G. Design, Construction, and Maintenance Standards. Per § 3011.I, parking areas should provide firm, level surfaces; 90-degree parking is encouraged, and angled parking should be avoided; run-off and eroded surface materials shouldn't flow onto adjacent streets or properties; snow storage areas should be clearly marked and stored on site; and parking areas need to be maintained. The marking and edging, and electric vehicle charging requirements don't apply to a parking area with only 5 spaces.
- i. The current driveway is paved.
 - ii. Snow storage isn't marked on the Site Plan.
 - iii. There are no good alternatives to the current stormwater flows from the driveway given the slopes and existing municipal stormwater infrastructure.
- H. Nonconforming Parking and Loading Areas. § 3011.J. Sites with nonconforming parking and loading areas shall come into conformance with § 3011 to the maximum extent feasible “when there is going to be an increase in the amount of parking, a change in the location of parking on the site, or a substantial change to the site layout, access and circulation.”

Staff Comments: Based on the materials presented to date, it appears that Applicant can claim up to three compliant, off-street parking spaces available on the subject parcel: (i) one within the garage; (ii) one just in front of the garage; and (iii) likely one within the widened part of the driveway – but without overhanging beyond the frontline of the house – and meet the dimensional and locational requirements. Although Applicant will need to confirm this with a more detailed Site Plan.

The Board could approve the application with three off-street parking spaces on the subject parcel – provided: (A) it is convinced that Applicant has met the “reduced minimum parking” criteria; and/or (B) with the condition that Applicant uses no more than 1,800 SF of the building as office space unless Applicant returns to either the Board or the Zoning Administrator with a plan for additional, compliant off-street parking on the site or as part of a shared parking plan, as well as confirmation regarding compliant snow storage.

17. Section 3012. Signs – *Not applicable. No signs being proposed in this application.*

Chapter 320 Site Plan Standards: *The purpose of Chapter 320 is to establish additional standards for proposed land development subject to site plan review (land development other than one- and two-family dwellings).*

18. Section 3201. Major/Minor Site Plan Determination: Section 3201 classifies site plans as follows:

- (1) The following shall require major site plan review:
 - (a) Construction of new principal buildings.
 - (b) Major renovations of existing principal buildings.
 - (c) Construction of more than 10 new parking spaces or 2,000 square feet of impervious surface.
 - (d) Construction of an accessory structure with a footprint of more than 2,000 square feet or a height of more than 24 feet.
 - (e) Construction of an addition of more than 2,000 square feet to an existing building.
- (2) All other applications shall require minor site plan review.
 - i. No structures are being constructed, less than 2,000 SF of impervious surface will be added, and only one additional parking space is proposed.

Staff Finding: This application is for Minor site plan approval.

19. Section 3202. Access and Circulation

- A. Bicycle access. Bicycle access and storage may be required by the Board.
 - i. No information on bicycle storage provided, though Applicant acknowledges that they encourage employees to walk and bike to work, and many do already.
- B. Pedestrian access. All development [must] provide safe and convenient pedestrian access including (1) public sidewalks; (2) continuous internal pedestrian walkways are required as follows... (3) walkways be provided between the parking area(s) and building entrance(s); and (4) the proposed development enables energy efficient modes of transportation such as walking, biking, transit, electric vehicles, carpooling, car sharing as feasible given the location and use.
 - i. Applicant is not proposing changes to any of the current pedestrian access routes.
 - ii. Both sides of Baldwin Street contain public sidewalks. No additional public sidewalk is required for this proposal. § 3202.B(1).
 - iii. Granite steps connect the front door to the sidewalk, while the driveway provides a paved path to the rear entrance of the building.

Staff Comment: Suggest the Board ask Applicant where visitors will be directed, the front door or the rear. And whether or not handicapped parking will be provided – if so where, as it’s not on the Site Plan.

Per the 2010 ADA Standards for Accessible Design, if the parking spaces will be striped (“painted”), then the facility must have at least one accessible space, and if there’s only one then it must be van accessible. See the U.S. DOJ, Civil Rights Division’s ADA Compliance Brief:

Restriping Parking Spaces for more information, available here as of July 18, 2019:
https://www.ada.gov/restriping_parking/restriping2015.html

- C. Alternative Transportation. § 3202.C requires a demonstration that the proposal enables energy-efficient modes of transportation such as walking, biking, transit, electric vehicles, and carpooling or car sharing as feasible and appropriate given the location and use.
- i. Per the application materials, Applicant encourages various modes of alternative transportation, and the project is situated in a location that is compatible with various options.
 - ii. Applicant hasn't given specific examples of how the new facilities will support employee transportation choices (e.g., availability of bike racks or shower facilities).

Staff Findings: Pedestrian facilities are fully developed, with sufficient sidewalks and internal walkways, as well as a nearby bus stop.

Before making a final determination, Staff suggests that the Board gather additional information regarding ADA accessible parking and bicycle storage (or other methods of supporting alternative transportation) – particularly given that the number of available off-street parking spaces is less than the minimum typically required by § 3011.

20. Section 3203. Landscaping and Screening – The purpose of this section is to protect quality of life and community character by: (1) Enhancing the appearance of the built environment as viewed from public vantage points; (2) Creating shade along sidewalks and walkways, and within parking lots; (3) Providing a landscaped buffer between residential and nonresidential land uses; and (4) Screening land uses and development that create visual clutter and distraction.
- A. Section 3203.B. Applicability: Requires a landscaping and screening plan for all site plan applications except for “changes of use where sites have previously been developed in accordance with an approved site plan and where the proposed development will not change, or be required to change, any landscaping or screening.”
 - i. As the subject parcel is currently a single-family home, it has never had an approved site plan.
 - B. Subsections E and F. Planting Specifications and Landscaping and Screening General Standards: Specifies minimum planting areas and sizes, and application of ANSI A300 standards, prohibits use of invasive species, and encourages native plants and diverse tree species. Also encourages retention of existing plants. Development is also not allowed to reduce the minimum planting areas or dimension of existing plantings, and planting areas for existing plants used for minimum landscaping or screening must be protected during the construction process.
 - C. Subsection G. Street Trees: *Not applicable to minor site plans.*
 - D. Subsection I. Screening: Among other scenarios, applies to changes to parking areas, utilities, services areas, or building mounted equipment, and where the Board requires screening as a condition of approval for another provision. Parking lots and

aboveground utilities are required to be screened from view from the street and abutting properties. § 3203.I(3) & (4). Refuse areas and mechanical equipment must also be screened from street and abutters. § 3203.I(5). Building-mounted equipment has distinct screening requirements in subsection I(6).

- E. Section 3203.J. Total Site Landscaping: Requires the total area of site landscaping to be equal to the SF of total impervious cover, multiplied by 0.033. Provided, that, for existing natural woody vegetation to be counted towards the total site landscaping, it must be on a 2:1 basis.
- i. Section 3203.J(3) provides guidelines for where new plantings should be placed, while Figure 3-20 specifies the minimum planting area for each tree or shrub (e.g., a “large” tree needs at least 100 SF of planting area, the minimum width of which is 5 feet).
- F. Subsection J(4). Nonconformities: Should the cost of bringing a noncomplying site into compliance exceed 5% of the project cost, Applicant is only required to add landscaping in an amount not to exceed 5% of the total project cost.
- G. Subsection J(5). Waivers. The Board may waive the amount and placement standards where an applicant demonstrates that the waiver requested creates the minimum variance from the standard and either: (a) compliance with the total landscaping requirements would diminish the appearance of the built environment from public vantage points; or (b) existing natural features (e.g., streams, ledge and wetlands) would make compliance with such standards undesirable or impossible.
- i. **The application provides no information on landscaping.**
 - ii. Based on the proposed coverage (4,182 SF), the total minimum planting area required on the parcel is 138.006 SF = equivalent to 1 large tree and 1 medium, or 3 medium trees, or 4 large shrubs and 1 large tree, etc.
 - iii. Based on views of the parcel – see below, there are a variety of trees and shrubs on the site currently.



Staff Comments: Applicant has been asked to provide a landscaping plan to confirm what trees and shrubs are on the property currently. However, given the views above, it appears that the parcel already complies with the Total Landscaping minimums. The key determination here for the Board

appears to be whether or not any additional plantings should be required for screening purposes, or whether other screening might be required due to utility/service/mechanical/refuse changes.

21. Section 3204. Outdoor Lighting – *Not applicable, no outdoor lighting changes proposed.*
22. Section 3205. Outdoor Seating, Display or Storage – *Applicant is not proposing any outdoor seating, display or storage therefore the provisions do not apply.*
23. Section 3206. Solar Access and Shading and Energy Conservation (Major) – The standards of this section apply to any land development requiring major site plan review not located within the Urban Center 1, Urban Center 2, Urban Center 3 or Riverfront districts.
 - A. *The provisions do not apply, as this is a minor site plan.*
24. Section 3207. Design and Compatibility – Section 3207 requires architectural standards for all projects requiring major site plan approval.
 - A. *As a minor site plan, the provisions do not apply. Further inapplicable, as no structures being built.*

Chapter 330 Conditional Use Standards: *All land development listed as a conditional use in Part 2 of these regulations shall conform to the standards of this chapter.*

25. Section 3302. Capacity of Community Facilities and Utilities – The applicant shall demonstrate that the proposed development shall not cause a disproportionate or unreasonable burden on the city's ability to provide community facilities and utilities including: (1) local schools; (2) police, fire protection, and ambulance service; (3) street infrastructure and maintenance; (4) parks and recreation facilities; (5) water supply, sewage disposal and stormwater systems and infrastructure.
 - A. Applicant will be shifting staff to the propose location from down the street.
 - B. This is a change in office space, with no impact on residential choices – so no anticipated impact on local schools or parks and recreation facilities.
 - C. As noted on the Request for Conditional Use Review, "conversion of the existing house to office will have negligible impact on emergency services." Further, Applicant anticipates adding sprinklers in the building.
 - D. Applicant doesn't anticipate an increase in street infrastructure or maintenance. DPW's comments regarding "Traffic" – below – also do not anticipate street infrastructure changes even if there is some resulting increase in traffic due to the increased availability of office space off of Baldwin St.
 - E. Per the DPW Comments, with regard to water supply and sewage disposal capacity, **"There is sufficient reserve capacity available to allow approval of the request."** However, "applicant will need to conduct an analysis of existing vs proposed water supply & waste water disposal demands. Assuming an increased use is projected, a state permit may be needed and a request for an allocation of reserve capacity to serve must be submitted to our office for approval consideration."
 - F. Stormwater – The increase in impermeable surface will place higher demand on the stormwater infrastructure, but at this stage that increase appears negligible, and the scale of proposed work doesn't appear to lend itself to on-site stormwater

improvements.

Staff Finding: Applicant's requested change of use from residential to office use not cause a disproportionate or unreasonable burden on the city's ability to provide community facilities and utilities.

26. Section 3303. Traffic. The applicant shall demonstrate that the proposed development will not have an undue adverse effect upon the traffic in the area including:
- A. That the volume, type and timing of traffic generated by the proposed development shall not be substantially greater than what would normally occur at nearby uses or other uses permitted in the neighborhood.
 - B. That the traffic generated by the proposed development shall not unreasonably and disproportionately contribute to a reduced level of service for affected streets, intersections, and for all modes of travel.
 - C. That reasonable measures have been taken to minimize or mitigate the amount of vehicular traffic generated by the proposed development.
 - D. Section 3303.B requires a professional traffic impact study when proposed development is expected to generate 75 or more new trips during the am or pm peak hour on Class 1 roads, and 50 or more new trips during the am or pm peak hours on Class 2 and 3 roads.
 - i. Except for 15 Baldwin, the remaining uses on the property are offices, mainly State offices.
 - ii. Per Applicant, the new office space will serve up to 14 staff – shifted from their current facility at 9 Bailey Avenue – on the corner of Bailey and Baldwin, with parking lot access from Baldwin.
 - iii. Baldwin Street is a Class 3 road.
 - iv. Regarding mitigation, Applicant has agreed to encourage alternative transportation use by employees, including walking, biking, carpool, etc. Further, Applicant doesn't receive a large number of visitors.

DPW Comments: “There is only a limited amount of available on-street parking in this area with demand typically exceeding supply especially during the Legislative session. Additional office use without adequate parking accommodation will create additional demand for on-street parking in the surrounding neighborhoods which currently stresses municipal services to manage. Considering that walking and biking are largely weather and proximity dependent, alternative transportation with secure off-site parking should be considered for the life of the permit.”

Staff Comments: Staff suggests that the Board consider the traffic impacts from this shifted use in light of two things: (A) the off-street parking requirements detailed in relation to § 3011 above and highlighted by DPW's comments; and (B) that the proposed use is a shift in destination for the traffic to 11 Baldwin – but also will likely result in a net increase in traffic to the Baldwin Street area if the 9 Bailey property continues as an Office Use for a new tenant.

27. Section 3304 Character of the Neighborhood standards. The applicant shall demonstrate that the proposed development shall not have an undue adverse effect upon the character of the neighborhood.

- A. The subject parcel is in the Redstone Neighborhood, described as an: “historic neighborhood, which extends up the hill west of the Capitol Complex and along Route 2, is primarily developed with residential structures, a number of which have been converted to offices. These regulations are intended to protect the residential scale and character of the neighborhood while allowing conversion of buildings to compatible nonresidential uses as appropriate for their location as a gateway to downtown.”
- B. Architectural compatibility; § 3304.A(1). New development shall be architecturally compatible with the neighborhood through relationships of scale, massing, siting, detail, and materials.
 - i. As noted in the Request for Conditional Use Review, Applicant is not proposing any exterior changes to the historic building.
- C. Yards, Lot coverage, and Landscaping; § 3304.A(2). New development shall maintain a sense of open space that is appropriate to the neighborhood by balancing the size of the building’s footprint with the mass of the structure and the size of the lot. This does not mean that new development cannot reduce the total amount of greenspace within the neighborhood. Rather, **the balance of building area to open space shall be typical of the neighborhood and the structure shall be sized and located on the site to maintain the pattern of greenspace existing in the neighborhood. ...**
 - i. **No change to the building proposed, but Applicant is decreasing the greenspace by widening the section of the driveway between the frontline of the primary structure and the street.**

Staff Comment: Applicant has been asked to provide a landscaping plan. Staff suggests that the Board ask about additional landscaping in front of the building to help balance the increased impervious surface and “enhance” the character of the neighborhood.

DPW Comments: “An application for a DPW ‘construction & access permit’ will be required to modify the driveway curb-cut which must be accompanied by a site plan of sufficient detail to assess the existing & proposed condition including construction materials. Note that the intent of driveway curb cuts is to provide access to a public street which may be designed to accommodate one-way or two directional traffic flow. A curb cut is intended as a means to achieve additional parking that may be positioned within the throat of the curb cut.”

Staff Findings: Notwithstanding the landscaping/greenspace sub-issue, Staff suggests finding that the proposed change of use to an office does not have an undue adverse effect on the character of the Redstone Neighborhood, as the impact of additional landscaping on the front of the parcel would act to enhance the neighborhood character.

- 28. Section 3305. Conditions of Approval (Performance Standards). Per § 3305.A, the Board may impose conditions deemed necessary to further the purposes of Chapter 330, including, performance standards under Subsection 4505.E.
 - i. Applicant proposes no changes to exterior lighting and doesn’t anticipate increased noise from the changed use.
 - ii. With the conversion to office space, the noise, light, odor, and other potential

performance standards in play will be more in character with the immediate neighborhood (the street) than the current use.

Staff Findings: Given the other uses in the immediate neighborhood, and that the office use will be concentrated in the daytime (and therefore less likely to conflict with the residential uses within the greater Redstone Neighborhood), Staff finds that the proposal does not require additional performance standards as conditions of approval.

Staff Suggested Action: Before any Motion to Approve Application #Z-2019-0088, the following issues must be resolved (as detailed above, along with more minor determinations):

- (i) Does the subject property meet the relevant Access and Circulation requirements of § 3010?
- (ii) Does the proposal meet the relevant parking requirements of § 3011?
- (iii) Does the proposal meet the access requirements of § 3202, particularly regarding ADA accessibility and bicycle storage?
- (iv) Does the proposal meet the screening requirements of § 3203?
- (v) Does the proposed conditional use have an undue adverse effect on traffic?
- (vi) Will the Board require that Applicant bring an updated Site Plan back to the Board for approval, or allow the Minor Site Plan changes to be approved by the Administrative Officer/Zoning Administrator – so long as none of the Conditional Use criteria are implicated?

Staff Suggested Motion Options:

- ❖ Motion to approve the change from a Single-Family Use to an Office Use as a Conditional Use at 11 Baldwin Street, as presented in Application #Z-2019-0088 dated 6/9/2019 and supporting materials, subject to the following conditions of approval:
 - I. Applicant shall limit the Office Use to 1,800 SF, unless and until Applicant has provided the Zoning Administrator with evidence of sufficient parking via either: (a) a revised Site Plan with at least five (5) on-site, off-street parking spaces; or (b) a shared parking plan providing for a total of at least five (5) parking spaces, and no more than ten (10).
 - II. [Additional conditions pending Board's determinations noted above.]
 - III. Any future enlargement, alteration, or change of use will require a permit from the City of Montpelier