

## Memorandum

**TO:** Development Review Board

**FROM:** Eric Vorwald, AICP  
Planning & Zoning Manager

**RE:** **Conditional Use Request – 9 George Street**

**DATE:** March 19, 2020

In accordance with Section 6.7 of the City of Winooski's Unified Land Use and Development Regulations (effective August 07, 2017), the following information is being provided regarding the conditional use request of Gregory Pajala. The applicant is requesting to establish a detached cottage on an existing lot located at 9 George Street. The lot is currently developed with a single-family home. This is a resubmission of a similar request that was reviewed by the Development Review Board at their regular meeting on October 17, 2019. For reference, the request for the conditional use was denied. This submission is intended to address the concerns from the Development Review Board that were noted on October 17<sup>th</sup>.

The property at 9 George Street is located in the Residential B (R-B) Zoning District. The maximum density permitted in this zoning district is two units per lot. The development of a detached cottage is listed as a conditional use in the City's Unified Land Use and Development Regulations (ULUDR). Conditional use approval may only be granted by the Development Review Board upon findings that the proposed development shall not result in an undue adverse effect on any of the following standards.

The following standards shall be evaluated by the Development Review Board when considering applications for conditional use. These standards are intended to help the Development Review Board gauge the impacts on the community. These standards are intended to inform the discussion and help establish conditions that may be appropriate if approval is granted.

### **1. The Capacity of Existing or Planned Community Services or Facilities**

*The applicant and DRB shall consider the demand for community services and facilities resulting from the proposed development in relation to the available capacity of existing and planned community services and facilities. Community facilities and services that may serve a proposed development include schools, emergency services, municipal water supply and wastewater*



*treatment, public parks and trail networks, and public utilities as identified from the Winooski Municipal Development Plan, an adopted municipal capital improvement program, or through site investigation.*

- a. Available capacity shall be determined through consultation with municipal and state officials having jurisdiction over affected services and facilities, and consideration of any duly adopted municipal capital budget and program in effect.*
- b. Conditions will be imposed as necessary to ensure that the demand for community facilities or services does not exceed available capacity. Such conditions may include the phasing of development, the installation of facilities or improvements by the developer as required to serve the proposed development, and the submission of a development agreement, performance bond, or other surety, as approved by the City Council, for the installation of such facilities or improvements.*

#### Relationship to Standard

This project proposes the development of a detached cottage on an existing lot. The ULUDR notes that a detached cottage cannot be greater than 1,000 square feet of finished habitable floor area, therefore the overall size would be limited. The applicant proposes a detached cottage that would be approximately 960 square feet on two floors (480 square feet per floor). The City has adequate water and wastewater capacity to serve the proposed detached cottage. The applicant has provided site plans that indicate parking on-site to accommodate the minimum requirements for the uses in this zoning district without exceeding the maximum lot coverage. For reference, the maximum lot coverage in this zoning district is 50%.

## **2. The Character of the Area Affected**

*The applicant and DRB shall consider the location, scale, type, density and intensity of the proposed development in relation to the character of the area affected, as defined by zoning district purpose statements and specifically stated and relevant policies and standards of the Winooski Municipal Development Plan.*

- a. Mitigation measures shall be employed by the applicant as necessary to avoid undue adverse impacts to the character of the area. These measures may include site plan or building design modifications; increased setback distances, buffers, or screening; the designation of building envelopes to minimize impacts to significant natural, historic or scenic resources or other measures acceptable to the DRB.*



### Relationship to Standard

George Street is primarily developed with small lots that generally have single family homes. The detached cottage would be similar in nature to other properties that have accessory structures such as sheds or garages. Although they can be slightly larger, the detached cottage would generally fit in with this development pattern. In some instances, screening or other accommodations may be appropriate based on adjacent properties.

### **3. Traffic on Roads and Highways in the Vicinity**

*Evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs.*

- a. *Conditions shall be imposed as necessary to mitigate undue adverse impacts to existing and planned road and intersection improvements, levels of service (LOS) and volume-to-capacity (v/c) ratios. Rather than focusing on incremental and often inconsequential changes between different levels of service, the v/c measure provides information on whether capacity of an intersection is being fully utilized and recognizes that areas intended for additional development will have an impact on traffic congestion that cannot be wholly avoided, nor should it be for a thriving urban environment. In addition, LOS measures quality of service of a transportation facility from a driver's perspective based on how quickly vehicles can move through an intersection, and this is not necessarily the best measure for safety and adequacy of roadways for bicyclists and pedestrians. Such conditions may include the phasing of development in relation to planned highway improvements, traffic management strategies including transportation demand management strategies, or physical improvements to the road network required to serve the proposed development, to be paid for and installed by the applicant, and the submission of a development agreement, performance bond, or other surety as approved by the City Council, for the installation of such improvements.*

### Relationship to Standard

George Street is a public roadway that generally acts as dead-end street as the western end terminates into a parking lot that is owned by the Winooski School District. The addition of a detached cottage would require one additional off-street parking area to accommodate the use, which is identified on the site plan. George Street is a narrow residential street that permits on-street parking. At the October 17, 2019 meeting of the Development Review Board on this request, the adjacent property owners noted concerns about traffic and parking along George Street. No formal studies or inventories have been conducted by the City to determine the current on-street parking conditions.



#### **4. Bylaws in Effect**

*The applicant and DRB shall consider whether the proposed development complies with all municipal bylaws and ordinances in effect at the time of application, including other applicable provisions of these regulations and the Municipal Development Plan. No development shall be approved in violation of existing municipal bylaws and ordinances.*

- a. Conditions may be imposed by the DRB as necessary to ensure compliance with municipal bylaws and ordinances. Certificates of occupancy for an approved project shall not be issued until all required municipal, state and federal permits have been obtained.*

#### Relationship to Standard

Based on the Unified Land Use and Development Regulations the proposed use of “Detached Cottage” is listed as a conditional use in the R-B Zoning District. Since the proposed use is consistent with the ULUDR related to size, location, setbacks, and lot coverage, there are no identified conflicts between the current ULUDR and this proposal. This does not prohibit the DRB from imposing conditions that are reasonable to ensure the proposed detached cottage does not adversely impact the community or the surrounding neighborhood.

#### **5. The Utilization of Renewable Energy Resources**

*The proposed development shall not interfere with the sustainable use of renewable energy resources, including access to, or the direct use or future availability of such resources.*

- a. Conditions may be imposed as necessary to ensure long-term access, use, and availability of such resources onsite or on adjoining properties.*

#### Relationship to Standard

No renewable energy generation or development is proposed with this project.

#### **Performance Standards**

In addition to the standards identified above for evaluation of conditional uses, projects are expected to be consistent with performance standards that are identified in the Unified Land Use and Development Regulations. The Development Review Board can use the performance standards to identify specific conditions of approval including:



- a. Require documentation that proposed uses, processes, or equipment will comply with applicable performance standards
- b. Require increased setback distances and buffers from property lines
- c. Reasonably limit hours of operation

Performance standards are identified in the Unified Land Use and Development Regulations in Section 4.13. There are nine items to consider including:

- Noise
- Vibration
- Glare, Lights and Reflections
- Fire, Explosives and Safety
- Smoke, Fly Ash, Dust, Fumes, Vapors, Gasses and Other Forms of Air Pollution
- Heat, Cold, Moisture, Mist, Fog or Condensation
- Liquid or Solid Waste and Refuse
- Electromagnetic Radiation
- Radioactivity and Other Hazards

Since this application is for a conditional use of a detached cottage for residential use, many of these performance standards are already being addressed or do not apply. Impacts to these standards that account for the existing development should be considered when determining appropriate conditions for the proposed use.

### **Other Considerations**

In addition to the information above, the Development Review Board may consider the following items in their discussions or when identifying conditions of the development. These items include:

- Additional screening for parking
- Overall orientation of the building in relation to neighboring properties
- Require parking that is independent and accessible for residents of the cottage
- Require additional parking if appropriate and can be accommodated

### **Conclusion/Recommended Action**

The Development Review Board should review the above information and the documents included in the application and discuss the conditional use request for the detached cottage at 9 George Street.

