

## Memorandum

**TO:** Honorable Mayor Lott and Councilors

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

**RE:** **Lot 7D (17 Abenaki Way) Land Use Approval Process and Next Steps**

**DATE:** June 15, 2020

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The purpose of this memo is to provide Council with information related to the land use approval process for Lot 7D including the Act 250 permit amendment process and zoning approval. The Act 250 process is a slightly modified version from previous amendments to the Act 250 permit for Downtown Winooski, in that the City, as the owner of the property, is the primary applicant. In previous amendments, the City has been a co-applicant, but has not had an ownership interest in the property. Additionally, the zoning review is conducted administratively as no other approvals are required for developments in Downtown Winooski.

### Overview

In November of 2019, the City entered into negotiations with Nedde Real Estate on a development agreement for the construction of a parking facility, hotel, and office space on Lot 7D. The development agreement outlines the roles and responsibilities of all parties, including decision points along the way. This is the foundational document that will govern development of Lot 7D. Through this development agreement, the City will retain ownership of the parking structure and the air rights will be transferred to support the development of the hotel and office space.

In previous applications, a property owner (or their representative) has sought approval from the City Council to submit an amendment to the existing Act 250 permit. In these instances, specific designs were presented to the City Council for review and approval prior to the submission of the application to the District Environmental Commission for the Act 250 permit amendment. This was the only opportunity the City had to provide input on the designs prior to the submission of the amendment. With Lot 7D, the City is the owner, and therefore controls the entire process going forward. As with all development proposals in the Downtown Core Zoning District, receiving an Act 250 Permit amendment is a requirement of zoning approval, therefore this is a critical step in the process.



## Next Steps

At the regular meeting on March 16, 2020, the City Council authorized the City Manager to sign an Act 250 permit amendment on behalf of the City. This application was submitted to the District 4 Environmental Commission for consideration of amending the Act 250 Permit that covers development in the Downtown Core. While this application is under review, the development team has been working to finalize the designs for the development on Lot 7D. As noted previously, City Council has the authority to approve the designs and ensure the development is consistent with the master plan and future development goals for the City. Since the City Council must approve the designs, any changes or amendments that are desired by Council will be taken into consideration prior to the final designs being completed.

Once the final designs for the development are authorized by City Council, a request for a zoning permit will be made. The zoning permitting process, for projects in the Downtown Core Zoning District, are done administratively. If a project is consistent with the regulations outlined in Appendix C of the Unified Land Use and Development Regulations, a zoning permit will be issued following a 15-day appeal period. The regulations specifically state that no other approvals (including site plan, subdivision, or design review) are required.

## Items Needed for Zoning Approval

In general, the Downtown Core Zoning District prescribes an overall building height, specific uses, and development density that is required. These parameters are generally set through the master plan that was created for downtown and describes a densely developed, mixed-use center, that is pedestrian oriented and compliments several anchor buildings including the Winooski Block and the Champlain Mill. There are no setbacks in this zoning district, and parking can be collectively shared among multiple uses in public facilities. There are several outstanding issues that need to be resolved prior to the consideration of zoning approval for the development on Lot 7D. These include:

1. Acceptance of the dedication of "Efficiency Way" by City Council to establish the fronting roadway elevation that determines the maximum building height
2. Lot line adjustments between Lot 7D and the property owned by CCV to create one lot where all the development will occur
3. Interim Zoning to correct the discrepancy in the boundary for the Downtown Core Zoning District which will ensure the entire property is located in the Downtown Core Zoning District

Each of these items are in process for resolution. Once these items are addressed, the final zoning permit application can be submitted. Once submitted, the project will be reviewed for zoning compliance and the property will be posted to start the 15-day appeal period. A zoning permit will be issued if no appeals are submitted and the project receives an Act 250 Permit amendment.

