

Memorandum

TO: Development Review Board

FROM: Eric Vorwald, AICP
Planning & Zoning Manager

RE: **157 West Allen Street – Conditional Use Request**

DATE: September 15, 2022

Overview

In accordance with Section 6.7 of the City of Winooski's Unified Land Use and Development Regulations (effective August 30, 2022), the following information is being provided regarding the conditional use request of Jamil Handy. The applicant is requesting to establish a detached cottage on an existing lot located at 157 West Allen Street. The lot is currently developed with a two-unit dwelling.

Background

The property at 157 West Allen Street is located in the Residential C (R-C) Zoning District. The maximum density permitted in this zoning district is three 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 applicant is proposing to convert an existing garage structure into a detached cottage. One garage bay would be utilized for the dwelling, and a second bay would remain as a functioning garage. The property is almost completely built out and is considered a pre-existing non-conforming lot. The non-conformities are primarily related to dimensional standards including setbacks and lot coverage. Since no new structures or expansions are proposed, this would constitute a change of use and would be allowed on a pre-existing non-conforming lot.

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.

Conditional Use Standards

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 just under 600 square feet and includes one bedroom. The City has adequate water and wastewater capacity to serve the proposed detached cottage and it is not anticipated that there will be any significant impact to other City services or facilities.

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

West Allen Street is developed with a mix of single unit dwellings and multi-unit dwellings. The properties along West Allen Street transition from the Central Business District (C-1) Zoning District to the Residential C (R-C) Zoning District from Malletts Bay Avenue heading west. 157 West Allen Street is specifically in the R-C Zoning District. The R-C Zoning District permits up to three dwelling units per lot, but limits the configuration of these dwellings to no more than two units in any one building. In general, the primary structures on the properties along West Allen Street are located at the front of the lot, with accessory structures located towards the rear of the properties. As noted previously, no new structures are proposed and an existing garage conversion would constitute the cottage. There is a small State Historic District comprising 10 dwellings just west of 157 West Allen Street, but this property is not included.

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

West Allen Street connects to Malletts Bay Avenue on the east and West Canal Street on the west (via Morgan Lane). These roads see very light through traffic, although no specific counts have been recently identified for these locations. The uses along these roads are residential, with a mix of single unit dwellings and multi-unit dwellings; and some limited commercial on the eastern ends. It is not expected that the proposed development will adversely impact the level of service on these roads due to increased vehicle trips.

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-C Zoning District. The applicant has provided site plans that indicate parking on-site to accommodate the existing and proposed dwellings which includes five vehicles. This parking utilizes existing paved areas and one garage space. The property is a pre-existing non-conforming lot as it exceeds the maximum lot coverage by approximately 10%. The applicant is not proposing any new lot coverage and will utilize existing structures and areas of coverage to support the proposed cottage. With this in mind, the DRB may still impose 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. The building will consider energy efficiency in the context of the construction standards as outlined by the State of Vermont's Residential Building Energy Standards, including certification of compliance prior to occupancy. The project will also require state and local building permits that will address construction methods and materials.

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 from adjacent property boundaries
- Formalized site plans, including engineer's signature and seal to confirm dimensional requirements including lot coverage and setback distances
- Confirm adequate space to enter and exist property if vehicles are parked in the driveway

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 157 West Allen Street.

