

Staff Report

To: Development Review Board
From: Christopher Yuen, Community Development Director; Michael Giguere, City Planner
Meeting Date: 06/20/2024
Subject: 227-229 Pearl Street – Final Site Plan Review for proposed 39-unit multi-family dwelling in the MF-MU1 District
File: SP#2.2024.1

EXISTING CONDITIONS AND GENERAL INFORMATION

Project Location: 227-229 Pearl Street

Project Area Size: ±41,800 sf (0.96 acres) [excluding the portion in Town, where no development activities are proposed]

Lot Frontage: 152 feet

Existing Land Use: Residential

Surrounding Land Use: Residential

Zoning District: Multi-Family/Mixed Use 1 (MF-MU1)

Minimum Lot Size: 15,000 sf (0.34 acres)

Lot Coverage: 26.6% (Existing); 51.9% (Proposed); 65% or 80% with Waiver (Permitted)

Project Description: Final Site Plan Review for a proposed four-story apartment building with two entrances, with one entrance on the south side of the building facing Pearl Street with a proposed sidewalk connection to Pearl Street. A proposed 44 space parking area is proposed on the east and north sides of the building accessed from Pearl Street. 12 spaces are proposed to be located on the ground level of the structure. The proposed building will be served by new connections to the existing municipal water and wastewater systems along Pearl Street.

The northern portion of the existing parcel, north of Sunderland Brook, is in the Town of Essex. This portion is currently undeveloped and is proposed to remain undeveloped as part of this project.

SECTION 606: MULTI-FAMILY/MIXED USE 1 DISTRICT (MF-MU1)

A. Purpose.

The proposed project provides high density multi-family residential housing along the Pearl Street transportation and public transit corridor, which is consistent with the purpose of the MF-MU1 district.

B. Density/Lot Coverage.

The existing lot size within the City is ±41,800 sf, which exceeds the minimum lot size of 15,000 sf.

The maximum allowable density is determined by the ability to meet the LDC standards including but not limited to parking, setbacks, coverage, and building height. See below for further discussion regarding these standards.

The maximum lot coverage allowed is 65% but may be increased to 80% with a waiver. The proposed lot coverage is 51.9%.

C. Setback Requirements.

The minimum side and rear setbacks are 10 feet. The front setback shall be a minimum of 20 feet and a maximum of 30 feet, with at least 30% of the front of the principal structure within the minimum and maximum front setback. The proposed building complies with the setback requirements of the LDC.

D. Permitted and Conditional Uses.

A multi-family dwelling is a permitted use in the MF-MU1 district.

E. Parking Requirements.

Section 703 requires 1 parking space per dwelling unit plus 1 guest parking space for each 10 units. The LDC requires a total of 43 parking spaces for this proposed 39-unit multi-family dwelling.

The applicant is proposing 44 parking spaces, which exceeds the requirement.

F. Building Height.

In the MF-MU1 district, the maximum building height is 4 stories or 58 feet, whichever is less. The proposed building elevation view diagrams show the building to be 47' in height, with 4 stories.

SECTION 620: DESIGN REVIEW OVERLAY DISTRICT (DRO)

A. Purpose

The purpose of the Design Review Overlay District is to expand the design review standards used in the Village Center District into the trunk routes of Main Street, Lincoln Street, Pearl Street, Park Street and Maple Street as called for in the Comprehensive Plan; thereby recognizing the economic importance and unique historic qualities of the existing buildings and neighborhoods. The purpose of these standards is to:

1. Enable infill and redevelopment that brings opportunities to protect existing historic resources and provide new sources of architectural and urban design for the 21st century while increasing density, activity and economic opportunity.

2. Carryout the concepts of the Design Five Corners Plan which are to accommodate infill development while calming traffic and reclaiming more space for people.
3. Establish a pedestrian friendly atmosphere from the surrounding neighborhoods into the Village Center.

D. Design Review Standards

The Development Review Board shall review applicable development applications in the Design Review Overlay District for compliance with the criteria listed below and in accordance with the character of the underlying district as defined by the Essex Junction Comprehensive Plan.

1. The relationship of building mass and architectural detail to open space and to the relative size of a person shall be reviewed by the Development Review Board in this District.
2. The predominant direction of structural shape, of placement of openings and architectural details at the front façade shall be harmonious with the core principles of a designated Village Center District.
3. Building setback and height requirements of the underlying zoning district shall apply. However, variation along the frontage may be permitted by the Development Review Board to:
 - a. Create a consistent street edge and sense of enclosure.
 - b. Provide for an expansion of the sidewalk or active pedestrian space such as sidewalk cafes or display areas.
4. Bicycle paths which connect neighborhoods shall be constructed in accordance with planned facilities mapped in the Comprehensive Plan on Map 6: Non-Motorized Transportation, or in conformity to a Bicycle Plan as approved by the Development Review Board.
5. Site features and design shall promote cycling, walking and transit as a viable means of transportation and recreation for residents, consumers, visitors, and employees. As appropriate to the location of the application, features shall include at least two or more of the following, or similar amenity with approval from the Development Review Board:
 - a. Pedestrian access directly from the building to the public sidewalk;
 - b. Pocket park with benches or similar amenities between the public realm and the private building (see image box for examples to help clarify the intent of this requirement);
 - c. Public art, murals or interactive games;
 - d. Covered bus shelter; and
 - e. Shade trees.
6. The following architectural elements or features shall be harmonious with existing buildings and significant, predominant or established patterns in the district:
 - a. The relationship between the width to height of the front elevation of the building.
 - b. The relationship of width to height of windows and doors.
 - c. The rhythmic relationship of openings to solid areas in front façades.

- d. The spaces between the proposed structure or structural alteration.
- e. The relationship of entranceways to buildings and porches.
- f. The materials, textures, and colors, including primary and accent or trim colors.
- g. Proposed architectural details (such as lintels, arches, chimneys).
- h. Proposed roof shapes and lines.
- i. Proposed enclosures, including fences, brick walls, stone walls, evergreen hedgerows and building facades, which are also continuous and cohesive with existing walls in the district.
- j. Proposed landscaping shall be compatible with existing quality and quantity of landscaping in the vicinity, with consideration given to existing landscape mass and continuity.
- k. The proposed ground cover shall be compatible with the predominant ground cover in the district.
- l. Storage areas, service areas, trash receptacles, accessory structures and parking areas shall be screened from view from the street and adjoining properties.

During the Conceptual Site Plan Hearing, the DRB found that the proposed design lacked architectural features and appears overly “flat” at the front and at the eastern side. However, the DRB acknowledged the desire by the applicant to avoid features that would result in the escalation of construction costs, as that would impact the ultimate affordability of the rental units. The Board noted that the use of additional surface treatments may help improve the design at reasonable costs. The Board also noted that the addition of a canopy, similar to what was proposed in the previously approved site plan (SP# 2023.1), would be beneficial, and would provide residents with better protection from the elements.

Ultimately, the Board required the following design changes:

- a. The applicant shall incorporate the use of additional surface treatments or architectural features on the front and right side of the building, as discussed.
- b. The applicant shall redesign the entrance of the building to include a canopy that provides protection from the elements.

As a part of the Final Site Plan application, the following features are proposed:

- The building’s design includes several protruding exterior sections to provide diverse textures to the building and avoid looking overly flat.
- A canopy over the front entrance is proposed.
- The building’s siding is proposed to consist of “LP Smartside® LAP siding” treated engineered wood throughout, except for one column at the front and one section at the side which are proposed to use “Board & Batten” siding.
- Proposed Colors- factory finish acrylic latex paint- LP Smartside® ExpertFinish® Desert Stone, Harvest Honey, Quarry Gray

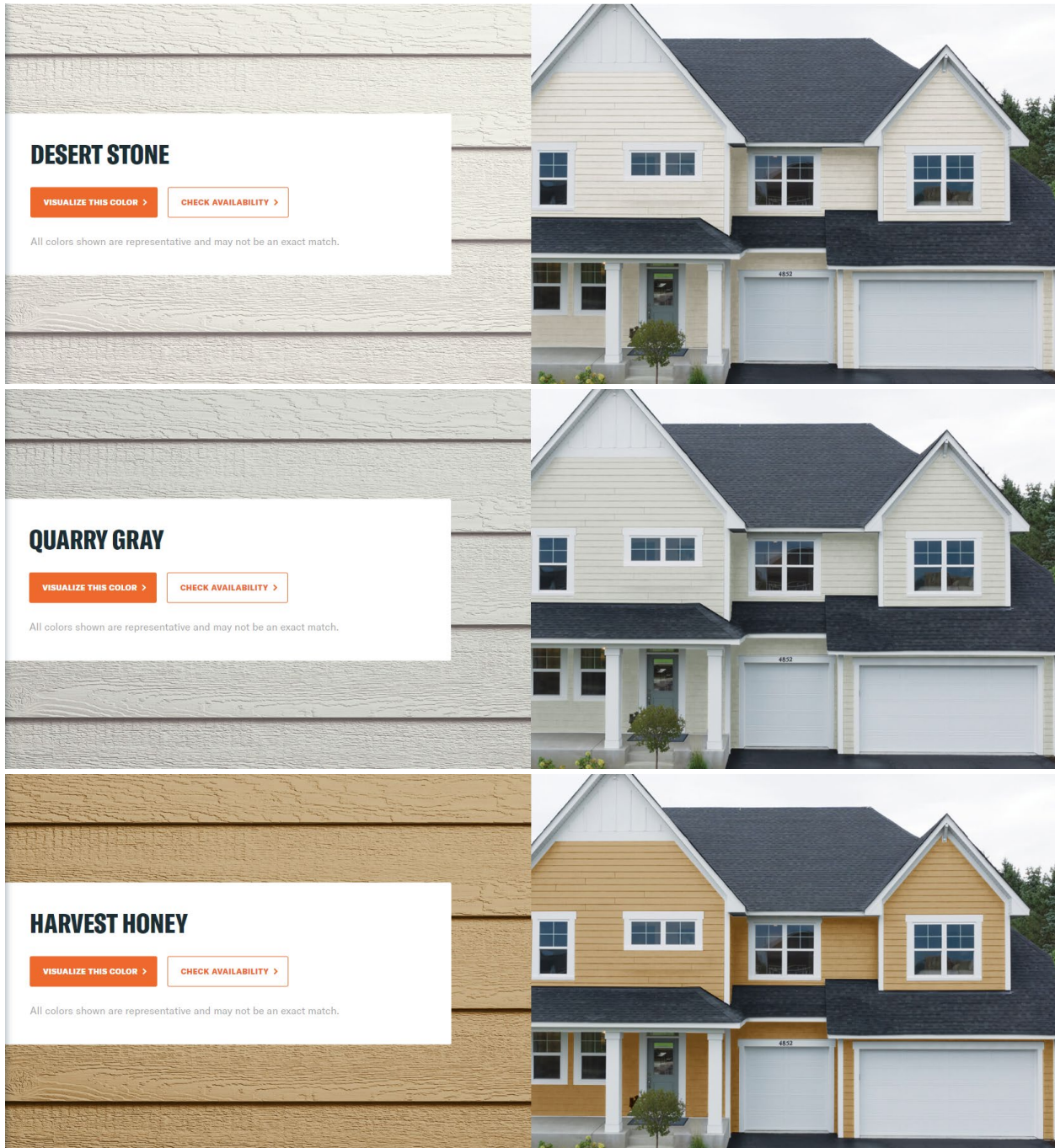


Fig 1: LP Smartside® LAP siding pictures with proposed colors and finish

The applicant has addressed the design review issues identified by the Development Review Board during Conceptual Site Plan review. The DRB should confirm that the current proposal meets the design review criteria in Section 620.D.

SECTION 703: PARKING AND LOADING

C. Off-Street Parking Requirements.

The applicant is seeking a waiver of the LDC requirements to allow a 22' wide travel aisle in the parking area. The LDC requires a minimum of 24' wide travel aisles in parking areas for two-way traffic.

Staff do not see a narrower travel aisle in the parking area as a safety issue, as travel speeds are expected to be low and because these dimensions are still in line with many existing parking lots throughout the region. With a narrower aisle, drivers of larger vehicles may find it difficult to park front-in and may have to back-in to spaces instead. Literature suggests that reverse parking is safer as it eliminates the need to back into the parking aisle, which tends to have more pedestrian traffic.

Staff recommends that the DRB approve the requested waiver for a 22' parking travel aisle.

K. Other Parking Standards and Applicability

1. Location.

Per the LDC requirements, all proposed parking will be located on the project site.

3. Surfacing

Per the LDC requirements, all proposed parking areas will have a paved surface.

4. Drainage

The LDC states that "All parking lots shall be designed to minimize stormwater run-off on adjacent properties and in no case shall the stormwater flow be allowed to increase. To the extent possible, run-off shall be contained on the lot. All drainage facilities shall be constructed in accord with Public Works Specifications contained in Appendix A of this Code. Drainage calculations shall be completed for a base twenty five (25) year storm. Unless specifically approved otherwise, or contained upon the lot, all facilities shall be connected to the Village stormwater system."

In consideration of the MS4 requirements applicable to the City of Essex Junction, applicants are encouraged to provide on-site treatment and control of stormwater runoff to the maximum extent practicable; thereby decreasing the potential for additional improvements being required by the City in the future as part of the MS4 permit and Flow Restoration Planning requirements. To that end, the applicant proposes on-site stormwater infiltration features.

5. Accessible Provisions

The project includes two proposed accessible parking spaces in the parking area on the east side of the proposed building. This meets the requirement for 2 accessible parking spaces in developments with 26 to 50 total parking spaces.

7. Setbacks

The LDC requires that "All parking spaces shall meet the setback standards for the District in which it is located."

All proposed parking spaces are located outside of the setback areas.

8. Screening

See Section 708, below, for discussion on Screening and Buffering.

9. Landscaping

See Section 719, below, for discussion on Landscaping.

10. Pedestrian Access

Section 703.K.10 requires that *“The design of all parking lots shall incorporate measures to minimize safety hazards to pedestrians. Pedestrian paths shall be designated and clearly marked. Separation of vehicle and pedestrian traffic shall be included in all parking lot plans where possible. The Commission may waive this requirement due to unique characteristics of the lot such as small lots, underground parking or innovative alternative designs.”*

The Site Plan depicts a proposed sidewalk linking the Pearl Street sidewalk, the building entrance, and the accessible parking spaces east of the building.

11. Striping

All proposed parking spaces are shown to be hard-surfaced and striped to meet the parking dimensional requirements of Section 703 of the LDC.

14. Lighting

See Section 704, below, for discussion on Lighting.

16. Waivers

The DRB should consider this section and the standards contained therein prior to granting a waiver for the parking access aisle for this project, specifically section C.

L. Bicycle Parking and Storage Standard and Applicability

Section 703.L specifies requirements for both Short-Term, and Long-Term bike parking. Short-term bike parking is meant for visitors; and should be conveniently located near entrances. Long-term bike parking spaces are meant for residents and should be in a secure space.

The LDC requires bicycle parking minimums of 1 long-term bike parking space per unit and 1 short-term bike parking space per 10 units. For the planned 39 units, this would be 39 long-term spaces and 4 short-term spaces.

The applicant has indicated 4 inverted-U locks for temporary bicycle parking on the site plan and indicates a dedicated, enclosed room large enough for the long-term storage of 39 bikes in the building’s basement. The architectural plans demonstrate multiple bikes’ ability to fit in the building’s elevator for ground floor access. It should be noted that this is not ideal for tenants who will use a bike as their main mode of transportation, as direct ground floor access would have been preferred to ensure easy departure and parking.

Staff recommends the DRB approve the applicant’s proposed bike parking and long-term storage as it meets the requirements of the LDC.

SECTION 704: LIGHTING

The LDC requires that *“Lighting shall be provided in all parking lots and related walkways as specified in Section 704 of this Code.”* A lighting plan has been submitted as part of final approval.

A. Purpose

To provide appropriate outdoor lighting adjacent to buildings, streets, sidewalks, and within parking areas for public safety and to minimize glare on streets and adjoining properties while minimizing energy use through the use of efficient fixtures and minimizing the use of lighting during non-business hours or when activity is not occurring on-site.

D. Parking Lot and Pathway Illumination

10. Light fixtures shall be mounted in accordance with the table below or as otherwise approved by the City Engineer.

	LI District	HC District	VC District	MF District	All Other Districts
Max Mounting Height	30ft.	20ft.	15ft.	15ft.	16ft.

The proposed parking lot lighting fixtures have a mounting height of 16’.

Staff recommends that the DRB approve the submitted waiver to allow for a 16’ maximum mounting height for this project.

SECTION 705: CURB CUT AND ACCESS TO PUBLIC STREETS

The project proposes to remove the two existing curb cuts along Pearl Street and install one new 24’ wide curb cut with 15’ corner radii and intersecting with Pearl Street at an approximately 90-degree angle. Staff supports the location of the new curb cut.

SECTION 706: ACCESSORY USES AND STRUCTURES

J. Dumpsters or Other Trash Containers

Trash and recycling bins and totes are proposed to be in the northern portion of the parking area adjacent to the building’s eastern corner. Enclosed screening with a 6’ minimum height slatted chain link fence is proposed.

Bins and totes will be required to be always covered. Covers shall be opened only for depositing refuse and/or emptying of the dumpster and drains in the bins and totes are prohibited.

SECTION 707: FENCES

The LDC limits fences to a height of 6 feet. In accordance with Section 707.B.5, “any nontransparent fence located in a front yard shall not exceed twenty-nine (29) inches in height unless it meets the front

yard setback for the Zoning District in which it is located.” The project proposes a 6’ fence, reduced to 29”, or terminating at the front setback.

SECTION 708: SCREENING/BUFFERING

Section 708.B.3 requires that: *“Any multi-family use located adjacent to a single-family use shall provide a buffer zone of not less than fifteen (15) feet. The buffer zone shall be landscaped in such a manner as to minimize impact on the adjoining single-family Districts. The Commission may require the placement of an opaque fence and/or hedge to screen the multi-family structure from adjoining single-family dwellings.”*

The previously approved site plan required a 15-foot buffer from the single-family home property to the east. Given that the new proposed layout sites the main structure on the west side of the lot, and since the neighboring property to the west of the project is a multi-family apartment, also owned and operated by the same party, buffer requirements do not apply.

Existing fences on the west and eastern edges of the property are proposed to remain, providing some screening. Additional screening is provided through landscaping.

SECTION 513: APPROVAL OF ACTIVITIES INVOLVING THE CONSTRUCTION OF A STORMWATER SYSTEM

Section 513.C requires that applications involving the construction of a stormwater system must include a stormwater management plan specifying pre-development and post-development drainage calculations for a two (2), ten (10), and twenty-five (25) year design stormwater flow which also specifies the entity responsible for non-municipal maintenance. This must include on-site drainage improvements like Green Stormwater Infrastructure including, but not limited to rain gardens, buffer strips, filter strips, grass swales, infiltration basins or other infiltrating practices while also considering permeable pavement systems, cisterns or other structural/ non-structural best management practices. If required by local or state processes, a downstream analysis, including Total Maximum Daily Load considerations, is necessary.

The applicant’s latest plans include details for stormwater infiltration basins that staff review has found to be acceptable. The applicant will be required to submit copies of the stormwater system annual inspection reports to the City of Essex Junction as a condition of approval.

SECTION 514: APPROVAL OF ACTIVITIES INVOLVING THE DISTURBANCE OF MORE THAN 0.5 ACRE OF LAND

Section 514 outlines requirements aimed at minimizing erosion and sediment pollution during construction.

The site falls below the 0.5-acre threshold, beyond which the applicant would be required to submit an erosion and sediment control plan demonstrating compliance with “Low Risk Site Handbook for Erosion Prevention and Sediment Control.” However, the applicant is still required to follow practices outlined

in “The Low Risk Site Handbook for Erosion Prevention and Sediment Control” (as amended) or in the “Vermont Erosion Prevention and Sediment Control Field Guide” (as amended).

SECTION 515: APPROVAL OF ACTIVITIES INVOLVING THE DISTURBANCE OF EQUAL TO OR GREATER THAN ONE (1) ACRE AND/OR THE CREATION OF MORE THAN 0.5 ACRE OF IMPERVIOUS SURFACE

Section 515 outlines requirements aimed at protecting the region’s waterways by minimizing, managing and treating stormwater runoff on-site after construction. As this site falls below the 0.5-acre threshold, this section does not apply. However, as noted in Section 513, the applicant plans to install a stormwater infiltration system designed to create post-development runoff volumes that are below pre-development volumes.

SECTION 713: STORM WATER MANAGEMENT

Development applicants are encouraged to provide on-site treatment and control of stormwater runoff to the maximum extent practicable; thereby decreasing the potential for additional improvements being required by the City in the future as part of the MS4 permit and Flow Restoration Planning requirements.

The applicant proposes an infiltration basin on the west and east edges of the site, as outlined above. Stormwater overflow is proposed to be accommodated through discharge into the creek at the northwest and northeast corner of the site.

SECTION 714: SIGN STANDARDS

The Site Plan does not depict a proposed sign for the project. If a sign is proposed in the future, a sign permit will be required.

SECTION 718: PERFORMANCE STANDARDS

G. Visual Impact

Section 718.G states:

“The Commission may review visual impact of any proposed development located in any Commercial or Industrial District. The Commission may place conditions on any approval or may require the alteration or relocation of any proposed structure which in its opinion would significantly alter the existing character of the area.

1. Factors for Evaluation. Visual impact shall be evaluated through analysis of the following factors and characteristics:

- (a) Conformance to all regulations and standards as specified herein.
- (b) Selection and appropriate use of materials.
- (c) Harmony and compatibility of architectural character with surrounding structures.
- (d) Exterior space utilization in regard to efficient use of site and existing significant natural or man-made features.
- (e) Circulation - vehicular and pedestrian.
- (f) Height, size and bulk of proposed and adjoining buildings.

(g) Creativity.

Design features, related to visual impact, have been described in Section 620, above. Design changes required by the DRB through Conceptual Site Plan Review have been included in the proposed final plans.

The DRB should review the proposed building's relationship to the site and adjoining areas, building design, architecture, and finishes to ensure compliance with Section 718.G.

SECTION 719: LANDSCAPE AND TREE PLANTING REQUIREMENTS

A landscape plan, including estimated construction costs, completed by a landscape architect has been submitted and is compliant with Section 719.E. This plan includes sufficient preservation of one (1) existing maple and two (2) existing oaks to be preserved during construction in addition to sufficient shade coverage with new planting installations surrounding the development.

The landscape plan also designates a picnic table below a cluster of birch trees northeast of the parking lot behind the development. Temporary bike parking is designated to the southwest of the development, along the "front" of the building facing Pearl St. Two snow storage locations are designated in the eastern corner of the parking lot beneath the existing oak trees with a small additional section to the south of the development indicated as a potential/backup snow storage location.

SECTION 1202: SEWER ALLOCATION

Section 1102 requires that the applicant request an allocation of sewer and water capacity from the City as a condition of zoning approval. The applicant has submitted this request and obtained the allocation from the City.

EV CHARGING

While the City's Land Development Codes does not currently include Electric Vehicle Charging Requirements, 30 V.S.A. § 53 requires that this building comply with the Vermont Commercial Building Energy Standards (CBES). This standard includes requirements on electric vehicle charging infrastructure. The applicant proposes two electric vehicle chargers, as shown in the site plan.

RECOMMENDATIONS

Staff recommends the DRB approve the final site plan pending a DRB determination on the following items:

- The Development Review Board should determine if the design review standards of section 604.E.4 are met.
- The Development Review Board should evaluate the proposed building's relationship to the site and adjoining areas, building design, architecture, and finishes to ensure compliance with Section 718.G.
- The DRB should consider whether to grant a waiver for the 22-foot parking access aisle requested by the applicant based on criteria in Section 703.C and 703.K.

- The DRB should consider whether to grant a waiver for the parking lot lighting fixtures to exceed the 15' limit by one foot to a maximum mounting height of 16' for this project.
- The DRB should determine whether the proposed bike parking and storage is acceptable based on criteria in Section 703.L.

PROPOSED CONDITIONS

- 1) All staff comments shall be addressed to the satisfaction of City Staff.
- 2) Applicant shall submit record drawings for site utilities to the City of Essex Junction upon completion of construction, in both AutoCAD and PDF format, prior to the issuance of a certificate of occupancy. This information should also be provided in shapefile format in Vermont State Plan US Survey Feet, NAD83.
- 3) The location of the fire department connection and Knox Box for the proposed building shall be approved by the City of Essex Junction Fire Department prior to installation.
- 4) The applicant shall adhere to the applicable construction inspection requirements detailed in Public Works Specifications Section 119 of the Land Development Code.
 - a. Connections to the existing municipal water main and existing municipal sewer main shall be performed in the presence of an authorized representative of the City of Essex Junction, after a minimum of 48 hours advance notification.
 - b. All sewer, water, and storm drainage utilities installed on the project site shall be observed by an authorized representative of the City of Essex Junction prior to backfilling of said utility.
 - c. Applicant shall notify the City a minimum of 48 hours in advance of work to be performed inside the City right-of-way or on utilities owned or to be owned by the City.
- 5) The applicant shall pay all applicable sewer connection and allocation fees prior to the issuance of a zoning permit.
- 6) The applicant shall submit copies of the stormwater system annual inspection reports to the City of Essex Junction on an annual basis.
- 7) All necessary easements, as approved by the City Attorney, shall be submitted by the applicant to the City prior to final the issuance of a zoning permit.