



## Staff Report

**To:** Development Review Board  
**From:** Christopher Yuen  
**Meeting Date:** 04/18/2024  
**Subject:** 17 Park Street – Final Site Plan Review for proposed 53-unit multi-family dwelling with 2 ground-floor commercial spaces  
**File:** SP# 8.2023.1

---

### **EXISTING CONDITIONS AND GENERAL INFORMATION**

**Project Location:** 17 Park Street

**Project Area Size:** 20,000 sqft (0.46 acres)

**Lot Frontage:** 112 feet

**Existing Land Use:** Commercial

**Surrounding Land Use:** Mixed use

**Zoning District:** Village Center

**Minimum Lot Size:** 5,000 sqft (0.11 acres)

**Lot Coverage:** 81.1% (Existing); 90.1% (Proposed)

#### **Project Description:**

The applicant proposes the removal of the existing commercial building and the construction of a proposed **5-story**, mixed-use building, using the State of Vermont's Act 47 height bonus for qualifying affordable housing developments. The project includes 2 commercial units on the ground floor, and 52-unit multi-family residential units, including a mix of efficiency studio, studio, one-bedroom, and two-bedroom units. In this project, efficiency studios lack room divisions between living and kitchen areas while standard studios have a partial room division. The proposal includes 27 exterior ground parking spaces, 21 underground parking spaces, and 19 upper-level parking spaces for a total of 67 parking spaces. The upper level and underground parking are to be accessed from the ramps on the adjacent property through an agreement with that property's owner.

#### **Section 604: Village Center (VC)**

##### **A. Purpose**

The proposed five-story building is in line with purpose and intent of the VC District to provide for a compact, commercial center providing a mix of uses. The proposed architectural design shares similarities with the existing, adjacent building at 11 Park Street.

##### **B. Lot Size, Density, and Lot Coverage**

*The minimum lot size shall be five thousand (5,000) square feet.*

The existing lot size of 22,190 sf exceeds the required minimum lot size of 5,000 sf.

The VC District does not have a fixed maximum allowable density. 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 total lot coverage is determined by the Development Review Board as a part of Site Plan Review. The proposed lot coverage is 91.8%.

C. Setback Requirements

There are no setback requirements for commercial or mixed-use buildings in VC District

D. Permitted and Conditional Uses.

Multi-family dwelling and retail uses are both permitted uses in the VC District.

E. Design Review and Historic Preservation

2. Applicability

- a) Design review standards are applicable to this site.
- b) Historic Preservation Design Standards- This existing building is not on map 2 for historic sites and districts in the 2019 comprehensive plan and is not listed or known to be eligible for the national or state register of historic places. Therefore, the LDC's Historic Preservation Design Standards do not apply.

4. District Design Requirements.

Section 604.E.4 specifies that *"The Development Review Board shall review all development applications in the Village Center for compliance with the criteria listed below and in accordance with the character of the district as defined by the Essex Junction Comprehensive Plan."*

a.) Design Standards for the Village Center

The design standards include, but are not limited to: standards of building mass relevant to human scale, harmonious front façade, provide an active pedestrian space such as sidewalk cafes, connections to neighborhood bicycle paths, street edge creates a sense of enclosure, features promoting cycling/walking/and various transit options. As is appropriate, features shall include at least two or more of the following, or similar amenity with approval from the Development Review Board:

v. Site features

- a. Pedestrian access directly from the building to the public sidewalk;**

Like the conceptual site plan proposal, the final site plan includes front entrances several feet higher than sidewalk in elevation. This terraced outdoor design allows for a simple, flexible and efficient indoor layout despite the site being on a slope, but comes at the expense of creating indirect sidewalk access.

**During the Conceptual Site Plan review, the Development Review Board (DRB) asked the applicant to explore options to improve sidewalk access.** The final site plan application proposes an entrance terrace that is better integrated with the existing 11 Park Street building entrance, creating a continuous terrace that that extends into a proposed outdoor dining space between the two buildings. It also includes a ramp that connects to the street level at the southern edge of the terrace.

It should be noted that while some similar sites in Chittenden County feature similar terraced entrances, there are also many examples of buildings which feature a more complex interior layout which enable each entrance to be aligned in elevation with the sidewalk. See below for examples.



*Figure 1: Example of building on a slope with terraced outdoor space in front of building at 211 Main Street, Winooski VT*



Figure 2: Example of building on a slope with an indoor layout that enables direct sidewalk access at multiple business entrances. 25 Winooski Falls Way, Winooski VT

City Staff opines that while the proposed terraced exterior design is not ideal for connectivity to the City’s sidewalk, the revised design is an improvement over the original proposal. If a continuous north-south “through-zone” can be maintained on the terrace, and if the terrace is designed appear as an inviting space open to the public, many through-travelling pedestrians may indeed choose to walk on terrace, bypassing the adjacent stretch of city sidewalk entirely.

**The DRB should consider whether the building’s interface with the adjacent sidewalk sufficiently addresses concerns raised during conceptual review.**

**Given the site’s challenges with direct sidewalk access, the DRB should consider requiring a 4-foot through zone, free of obstructions, to be maintained along the 11 Park Street, and 17 Park Street entrance terrace.**

- b. *Pocket park with benches or similar amenities between the public realm and the private building;*
- c. *Public art, murals or interactive games;*
- d. *Covered bus shelter; and*

The property is located along Green Mountain Transit’s Route 10, with service between the Town of Essex, Essex Junction, and Williston. The proposed development would require the removal of an existing bus stop bench. However, the landscaping plans show new benches, and awnings on the building’s entrance terrace, which some bus passengers are likely to use during their waits.

e. *Shade trees.*

**The Development Review Board should review the proposed architectural design and determine whether the design review criteria of Section 604.E are met.**

6. Formula-Based Retail and Restaurants

Section 604.E.6 specifies design requirements for “Formula-Based Retail and Restaurants”. The applicant has not indicated an intent to host such businesses.

F. Parking

There are no minimum parking requirements in the VC District, however, the Development Review Board may require parking as a part of any Site Plan approval. The applicant has proposed 67 parking spaces. The adjacent parking lot at 21 Park Street is municipally owned and provides about 20 spaces for public parking. Currently, these are signed to prohibit overnight use.

Parking is further discussed below in Section 703.

H. Building Height

1. The proposed building height is 56 feet, which is within the limits of the VC district.
2. Affordable housing floor bonus:

*In accordance with 24 V.S.A. § 4412, any affordable housing development, as defined in 24 V.S.A. § 4303(2), shall be permitted one additional floor for no more than five (5) stories or seventy-two (72) feet, whichever is less, provided that the structure complies with the Vermont Fire and Building Safety Code.*

“Affordable Housing Development is defined in 24 V.S.A. § 4303(2) as:

*“a housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years or longer as provided in municipal bylaws.”*

“Affordable Housing” is defined in 24 V.S.A. § 4303 as *either of the following:*

*(B) Rental housing for which the total annual cost of renting, including rent, utilities, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 80 percent of the highest of the following:*

- i. *the county median income, as defined by the U.S. Department of Housing and Urban Development; [Within Chittenden County, this is the determining factor].*
- ii. *the standard metropolitan statistical area median income if the municipality is located in such an area, as defined by the U.S. Department of Housing and Urban Development; or*

- iii. *the statewide median income, as defined by the U.S. Department of Housing and Urban Development.*

The applicant has requested one additional floor (for a total of five stories) with the above qualifications. A draft affordability covenant has been submitted by the applicant and has undergone legal review by the City Attorney.

**Staff recommends that that the applicant be required to record the aforementioned affordability covenant, and fulfill the City’s annual rent affordability reporting as a condition of approval.**

#### **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 plans includes details for an underground stormwater infiltration system.

**Staff recommends a condition of approval requiring the applicant to submit copies of the stormwater system annual inspection reports to the City of Essex Junction.**

#### **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 a erosion and sediment control plan indicating 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 is falls below the 0.5 acre

threshold, this section does not apply. However, as noted in Section 513, the applicant plans to install an underground stormwater infiltration system.

Additional storm water management requirements are specified in Chapter 712 of the Land Development Code.

### **SECTION 620: DESIGN REVIEW OVERLAY DISTRICT (DRO)**

This project is located within the design overlay district. Design review standards in this district are identical to those for the Village Center district. See Section 704.E.4 for details.

### **SECTION 703: PARKING AND LOADING**

#### **B. Loading Requirements**

*All uses shall provide off-street loading spaces except residential uses or other uses specifically waived by the Development Review Board in accordance with Subsection 7.* Section 703.C stipulates that loading spaces must be situated on the same property as the primary use, emphasizing the reduction of conflicts in circulation. Loading areas should not be combined with required off-street parking. Additionally, these spaces must be adequately sized, measuring fifteen feet in width by twenty-five feet in length, to ensure smooth delivery maneuvering without encroaching on public rights-of-way, parking spaces, or internal circulation, unless a waiver is specifically approved by the Commission.

No loading space is shown on the plans. Applicant has stated the intention to require deliveries to the commercial suite to be limited to vehicles small enough to enter the covered parking areas.

#### **C. Off-Street Parking Requirements.**

Some parking spaces may be narrower than the 9 ft width minimum specified in the Land Development Code. This is discussed by the applicant in their written response to the City Engineer's comments.

The Development Review Board may waive some or all parking requirements and may place conditions on a waiver as necessary to guarantee adequate parking.

**The DRB should determine if planned parking is acceptable according to Section 703.C**

#### **L. Bicycle Parking and Storage Standards and Applicability**

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

The site plan shows 15 inverted u-racks and 4 vertical short-term bike parking spaces for a total of 34 short term bike storage spaces. This meets short-term bike parking quantity requirements. The application also shows 55 long term bike storage spaces in a dedicated room located in the underground parking.

**Bike Rack Locations:**

Section 703.L.1.e stipulates that “Bicycle parking serving buildings with multiple entrances shall be dispersed so that all principal entrances are served.”. No bike racks are proposed near the front entrances of the building and businesses. The applicant has indicated that they are not looking to promote bike parking and bikes near the front entrances as they feel that the front terrace does not have enough space to accommodate bike parking. The applicant wishes to discuss this issue with the DRB.

City Staff is of the opinion that having visible and convenient bike racks near the front entrances is important, and consistent with the city’s active transportation goals.

Notably, on February 20, 2020, the City’s Planning Commission (prior to the transition to the current Development Review Board system) discussed the location of bike racks during the Final Site Plan hearing for the neighboring 11 Park Street building, owned by the same party. The meeting minutes note that Mr. Grabowski confirmed that bike racks would be “spread around the building [and that] some of them will be under cover on the parking deck”. No bike racks were ultimately installed near the front entrances of 11 Park Street, even though previous City Staff had issued a Certificate of Occupancy for that building. A member of City Council has recently raised concern about this discrepancy. Similarly, the Community Development Department has also received complaints from members of the public about the lack of bike parking at the front of this building over the previous years.

**SECTION 704: LIGHTING**

The applicant has provided a lighting plan for exterior areas and for the underground parking. ‘String lights’ are proposed to be installed between in the outdoor dining area between the two buildings. This light fixture likely does not meet the current LDC’s requirements to be directed downward and do not have concealed light sources. However, staff notes that the Planning Commission is currently drafting potential amendments to the Land Development Code which may allow the use of string lights during business hours.

**The DRB should review the use of the ‘String Lights’ as a primary source of lighting in the outdoor space between the two buildings.**

**SECTION 705: CURB CUTS**

This project does not require a new curb cut. Final plans should indicate the closure of existing curb cut that would be no longer necessary.



**SECTION 706: ACCESSORY USES AND STRUCTURES**

J. Dumpsters or Other Trash Containers:

They should be screened from public view with a nontransparent fence or landscaping up to six feet high. Dumpsters must have covers and drainage plugs, must be constructed from non-combustible materials, and must be placed at specified distances from structures.

The site plan depicts trash containers at the rear parking areas, similar to the layout at the existing adjacent 11 Park Street building.

**SECTION 707: FENCES**

No fences specified on plans.

**SECTION 708: SCREENING/BUFFERING**

A. Standards

3. As a multi-family development within the VC district, not adjacent to a single-family use outside of the VC district, no buffer from adjacent buildings is required.
4. *Parking lots located adjacent to public streets shall be screened to minimize glare and vehicle light encroachment on the street. Screening may include berms and landscaping.*

The shape of the building screens most of the parking lot from street view. The main façade of the parking lot faces a side street that is adjacent to street parking.

**SECTION 710: VISIBILITY TRIANGLES**

The proposed upper level and basement parking is accessed through the adjacent property. The ground level parking lot would be accessed from the 21 Park Street municipally owned parking lot. Therefore, there are no visibility triangle issues.

**SECTION 718: PERFORMANCE STANDARDS**

G. Visual Impact

*The Development Review Board may review visual impact of any proposed development located in any Commercial or Industrial District. The Development Review Board 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:*

*(c) Harmony and compatibility of architectural character with surrounding structures.*

The elevations specify the color palate of the proposed design lists material colors as driftwood gray, stonehaven gray, gangplank gray, weathered teak, and bamboo, where color is specified other than 'color to be determined by architect'. Staff is concerned that this neutral color pallet of browns and grays is a very dower façade design. A rendering shows the color palate, but the applicant has not specified if the color palate is the final design.

**The DRB should evaluate the proposed building's relationship to the site and adjoining areas, building design, architecture, and finishes to determine compliant with Section 718.G.**

### **SECTION 719: LANDSCAPE AND TREE PLANTING REQUIREMENTS**

Section 719 outlines regulations aimed at protecting and improving the community's environmental, economic, and aesthetic quality to promote public health, safety, and welfare. It specifies requirements for tree protection during development, allowing for a credit of up to 50% of landscaping for preserving mature trees. Street tree regulations mandate one shade tree for every 40 feet of frontage. Landscaping requirements include a minimum of two percent of the total construction cost for new projects over \$250,000. The Development Review Board may allow improvements to public spaces as an alternative to on-site landscaping. Additionally, landscaping is required for new uses on existing developments or renovations to provide screening and environmental enhancement.

The applicant has submitted a landscape plan prepared by a licensed landscape architect including construction cost estimates compliant with section 719.E.

The proposed location of the trees bordering Park Street presents a challenging environment for trees. The City's Tree Advisory Committee continues to recommend that silva cells be used in that location for the trees to thrive and contribute to a green streetscape. The committee contents that they have proven to be successful. City Staff understand that the applicant disagrees, as they have not had success with the Silva Cell product in the past.

**Staff recommends that the DRB discuss the use of silva cells with the applicant.**

### **SECTION 720: LOT FRONTAGE**

Lot Frontage Within any District, a minimum frontage of sixty (60) feet is required at the street, unless specifically stated otherwise. The proposed lot frontage is 112 feet, this meets the requirement.

### **SECTION 1102: SEWER ALLOCATION**

The applicant has submitted a Sewer Allocation Request to the City. Payment of all applicable sewer allocation and connection fees is required prior to the issuance of a zoning permit. It is important that

the applicant be aware sewer allocation and connection fees may be significant. A total sewer connection and allocation fee of over \$150,000 is anticipated for this project.

### **TRAFFIC CONTROL PLAN**

Temporary traffic control measures and a sidewalk closure is anticipated during certain phases of this project. A pedestrian detour is proposed to be offered behind the construction site. City staff has received feedback from members of the public regarding the impacts of extended sidewalk closures at similar project sites in the city. Accordingly, city staff requests that that sidewalk closure be minimized, where possible.

The applicant's plans indicate an estimated duration of traffic control measures of 2-4 months. The applicant and/or contractor will need to submit detailed project phasing and traffic control plans to the City of Essex Junction for review and approval prior to the issuance of a zoning permit.

### **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 project proposes 4 EV charging stations at the ground level.

### **NEIGHBORHOOD DEVELOPMENT AREA VILLAGE CENTER DESIGNATION BENIFITS**

This project is within the Village Center and Neighborhood Development Area designated areas, which offer certain state-level benefits. Applicants are encouraged to consider the use of any applicable State Designation Benefits. For more information, see:

<https://accd.vermont.gov/community-development/designation-programs/neighborhood-development-areas>

### **RECOMMENDATIONS**

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

- The DRB should determine if the design review standards of section 604.E.4 are met. Particularly, the DRB should consider whether the design of the proposed interface between the building and the sidewalk is acceptable.
- The DRB should consider requiring a 4-foot through zone, free of obstructions, to be maintained along the 11 Park Street, and 17 Park Street entrance terrace.
- The DRB should review the use of the 'String Lights' as a primary source of lighting in the outdoor space between the two buildings in accordance with Section 704
- The DRB should determine if planned parking is acceptable according to Section 703.C
- The DRB 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 discuss the use of silva cells with the applicant as a method of fulfilling the requirements of Section 719 landscaping requirements.

### **PROPOSED CONDITIONS**

2. All staff comments shall be addressed to the satisfaction of City Staff
3. 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.
4. The location of the fire department connection for the proposed building shall be approved by the City of Essex Junction Fire Department prior to installation.
5. 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.
6. The applicant shall pay all applicable sewer connection and allocation fees prior to the issuance of a zoning permit.
7. The applicant shall place the property under a covenant, as approved by City, that preserves affordability for at least 15 years in accordance with 24 V.S.A. § 4303(2), prior to the issuance of a certificate of occupancy.
8. The applicant shall fulfill the City's annual rent affordability reporting as a condition of approval.
9. The applicant shall submit copies of the stormwater system annual inspection reports to the City of Essex Junction on an annual basis.
10. All necessary easements shall be submitted by the applicant to the City prior to final the issuance of a zoning permit.
11. The applicant shall submit detailed project phasing and traffic control plans to the City for review and approval prior to the start of construction.