



Staff Report

To: Development Review Board
From: Christopher Yuen
Date: 05/12/2023
Subject: 227-229 Pearl Street Apartments
Final Site Plan Review for proposed 34-unit multi-family dwelling
File: SP#1.2023.1

EXISTING CONDITIONS AND GENERAL INFORMATION

Project Location: 227-229 Pearl Street

Project Area Size: ±41,800 sf (0.96 acres) [excluding portion in Town]

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); 51.2% (Proposed); 65%/80% with Waiver (Permitted)

Project Description: Removal of the three existing residential buildings and construction of a proposed 34-unit multi-family residential building. The proposed building will have 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 49 space parking area is proposed on the west and north sides of the building accessed from Pearl Street. The proposed building will be served by new water and wastewater service connections to the existing municipal water and wastewater systems along Pearl Street.

The northern portion of the existing parcel, north of Sunderland Brook, is located 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 51.2%.

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.

Section 703.K.7 requires parking spaces to meet the setback requirements of the zoning district in which they are located. All proposed parking spaces are located outside of the setback areas.

The LDC states that *“Overhangs or eaves on buildings may encroach into the setback up to two (2) feet.”* The proposed building is shown right up to the front and side setback lines but falls within the required limits.

D. Permitted and Conditional Uses.

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

E. Parking Requirements.

Section 703 requires 2 parking spaces per dwelling unit plus 1 guest parking space for each 10 units. The LDC requires a total of 71 parking spaces for this proposed 34-unit multi-family dwelling.

The applicant is seeking a parking waiver to allow a total of 48 parking spaces for the 34 units. The applicant provided information as part of the conceptual review in support of this waiver request. Staff find this information acceptable and would support the parking waiver request for this project.

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 4 stories tall, and within the height limit.

Section 703: Parking and Loading

C. Off-Street Parking Requirements.

The entrance driveway has been widened to 24' based on DRB feedback during Conceptual Plan Review. 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 aisle in parking areas for two-way traffic. In their project narrative, the applicant reasons that:

"This is to reduce the amount of impervious and coverage on the property. This will allow for more green space and area for stormwater infiltration. We are not limited by either coverage or impervious surface but are attempting to reduce the sprawl of both amounts. We have provided some large truck parking spaces which have a little more room for turning because of the lot's configuration. "

Staff does not see a narrower travel isle 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. This is a tradeoff between the environmental and aesthetic benefits of having a lower lot coverage, and the convenience of easier maneuvering for larger vehicles. With a narrower isle, drivers of vehicles with wider turn radii may find it difficult to park front-in and may have to back-in to spaces instead. Literature suggests that reverse parking is safer anyway.

The DRB should consider the relevant tradeoffs and determine the acceptability of including a 22' parking travel isle.

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 requires that *"All parking lots shall be designed to minimum 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.

The plans indicate that parking area runoff is managed infiltration basins on the northern and western edges of the parking lot during typical storm events. During larger storm events, stormwater would exit the property to Sunderland Brook over a crushed stone dispersion pad.

The applicant has provided copies of drainage computations, which staff find to be acceptable.

5. Accessible Provisions

The project includes two proposed accessible parking spaces in the parking area on the west side of the proposed building. This differs from the conceptual plan, where they were located on the north side.

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 accessible parking spaces west of the building, and the front entrance. The sidewalk does not extend along the rest of the side of the building.

An additional proposed sidewalk links the northern parking area to the northern entrance.

In response to discussion during the Conceptual plan review, the applicant proposes a 6' wide concrete sidewalk along the project frontage with appropriate tapers to match the existing sidewalk on each end.

11. Bicycle Access

The LDC requires *“Any parking lot which is required to have fifteen (15) or more parking spaces shall provide bicycle racks at a location convenient to the main entrance to the business. The Commission may waive this requirement if in their judgment the business will not generate bicycle traffic.”*

The plan depicts bike racks in front of the building. The applicant also indicates that additional bike parking is available in the basement.

12. 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

The LDC requires that *“Lighting shall be provided in all parking lots and related walkways as specified in Section 704 of this Code.”*

Lighting is proposed to be provided for the access drive, parking, and sidewalk areas. See Section 704 below for further discussion.

16. Waivers

The DRB should consider this section and the standards contained therein prior to granting a parking waiver for this project, specifically items (b), (c), (e), and (g).

Section 704: Lighting

The applicant has provided a lighting plan that includes a numerical grid of illumination levels throughout the access drive, parking, and walk areas. The plans also show the required fully shielded, dark sky compliant light fixtures. Staff finds the lighting levels to be generally consistent with the requirements of Section 704.D.

Section 703.D sets a maximum mounting height for lights in the Multi-Family District of 15 feet. The Parking Lot Light Detail, Section shown on sheet L2.1 specifies a 15' mounting height measured from the top of the concrete light pole base. This detail should be revised to specify the height of the concrete light pole base above finished grade to confirm compliance with the LDC requirements. The applicant has confirmed that the intention is for the light to be mounted 15' from the ground as required.

Staff recommends an updated version of sheet L2.1 showing the required light mounting height be provided as a condition of approval. This is included in the staff comment sheet.

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

C. Set-back Exceptions

3. Roof Overhangs

The LDC states that *“Roof overhangs or eaves on any structure may encroach into any setback for a distance not to exceed eighteen (18) inches.”* We note that this conflicts with Section 606.C which allows overhangs or eaves on buildings to encroach into the setback up to two (2) feet.

The building elevation diagrams indicate that the overhangs do not encroach further than two feet into the setback areas.

4. Heating, ventilation and air conditioning equipment

The LDC requires that *“Equipment for heating, ventilation or air conditioning which encroaches into a setback by not more than twelve (12) inches shall not be deemed to violate this Code. Equipment placed upon the roof of any commercial or residential structure shall not be deemed a violation of this Code if:*

- (a) It extends less than two (2) feet above the roof;*
- (b) It occupies no more than eight (8) square feet of area; and*
- (c) It generates no additional sound discernable at the adjoining property line.”*

The plans do not indicate any externally visible HVAC equipment.

Applicant should confirm the absence of externally visible HVAC equipment.

J. Dumpsters or Other Trash Containers

Dumpsters are proposed to be located in the northwest corner of the parking area. No additional details are provided regarding the dumpster area.

Dumpsters will be required to be covered and drainage plugs installed at all times. Covers shall be opened only for depositing refuse and/or emptying of the dumpster.

Section 707: Fences

No new fences are proposed except around the dumpster pads.

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 property to the east of the project is a detached single-family style house and may warrant screening and buffering. The proposed building does not provide 15 foot of buffer distance; however, within the 10-foot space between the building and the property line, the applicant proposes 10 new trees in addition to an existing maple tree. An existing fence extends partway down the property.

The DRB should determine if the proposed screening and buffering is acceptable.

Section 713: Storm Water Management

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.

The applicant has provided copies of drainage computations, which staff find to be acceptable.

The applicant has also provided an adequate erosion prevention and sediment control, with associated details, describing erosion prevention and sediment control measures to be implemented during and after construction to stabilize 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.

The applicant has provided 3d renderings and building elevation diagrams that detail the design and materials to be used on this building.

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.

Section 719: Landscape and Tree Planting Requirements

Section 719.D requires that a *"landscape plan must be drawn by a landscape architect, landscape designer, or competent landscape professional, and the landscaping requirement will be a minimum of three (3) percent of the total construction cost for new construction up to \$250,000. For new construction projects above \$250,000, the landscape requirement shall be a minimum of two (2) percent of the total construction cost. In the case of construction projects above \$1,000,000, a landscape architect, licensed by the State of Vermont's Office of Professional Regulation, will be required to prepare a landscape plan."*

Based on the construction cost estimate of \$3,775,000, the required landscaping budget is \$75,500. The proposed landscaping plan estimates a cost of \$75,781.50.

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.

Additional features of note not currently required in the LDC

A. Electric Vehicle Charging

The applicant proposes to include two electric vehicle charging stations in the northern parking area.

Staff Comments

Staff comments from the Public Works Department and City Engineer are summarized in the attached letter dated May 10, 2023.

Recommendations

Staff recommends the DRB approve the final site plan pending a DRB determination that the LDC standards are met with regard to the following:

- Section 703.K.16. The DRB should consider this section and the standards contained therein prior to granting a parking waiver for this project, specifically items (b), (c), (e), and (g). Specifically,
 - The DRB should consider the parking waiver to allow a total of 48 parking spaces for the 34 units.
 - The DRB should consider the relevant tradeoffs and determine the acceptability of including a 22' parking travel isle.

- Applicant should confirm the absence of externally visible HVAC equipment as shown in plans.
- The DRB should determine if the proposed screening and buffering on the east side of the property is acceptable.
- 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.

Proposed Stipulations

- 1) All staff comments shall be addressed to the satisfaction of City staff.
- 2) Any heating, ventilation, and/or air conditioning equipment shall not encroach more than 1 ft into the setback area, or protrude more than 2 feet above the roof.
- 3) Dumpsters shall be covered, and drainage plugs installed at all times. Covers shall be opened only for depositing refuse and/or emptying of the dumpster.
- 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) 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) If available, applicant should provide a copy of the HydroCAD file for the project to the City prior to the issuance of a zoning permit.
- 7) Applicant shall submit of record drawings for the 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.
- 8) The project must be constructed according to approved plans. If any changes to the plans are necessary, applicant shall contact the Community Development Department and submit updated plans to determine the necessary steps.