

Staff Report

To: Development Review Board
From: Christopher Yuen, Community Development Director
Date: 04/18/2023
Subject: Final Plan review for Autumn Pond Phase II

EXISTING CONDITIONS AND GENERAL INFORMATION

Project Location: 169 Autumn Pond Way, Essex Junction

Project Area Size: 419,047 sf (9.62 acres)

Lot Frontage: 50 feet

Existing Land Use: Residential

Surrounding Land Use: Residential, Recreational, School.

Zoning District: Multi-Family 2 (MF-2)

Minimum Lot Size: 7,500 sf (0.17 acres)

Lot Coverage: 15.2% (Existing); 18.17% (Proposed); 50% (Permitted)

Project Description:

Demolition of four two story apartment buildings and construction of three new (four story) apartment buildings. Each new apartment building will include 9-one (1) bedroom units, 10-one (1) bedroom units with den, & 20 two (2) bedroom units for a total of 117 units. The existing buildings to be demolished contain 48 residential apartments.

The applicant is requesting two waivers. The first is height; the Planning Commission has the ability to grant a waiver from the three story by right clause in the District to four stories (or 48 feet) if the project meets certain criteria. The second waiver is for parking spaces. The Code requires two spaces per apartment plus one additional guest space for every ten apartments. The applicant is requesting a waiver of 52 spaces from the required total of 257 resulting in 205 parking spaces. Which equates to 1.75 spaces per apartment. The proposed buildings are in harmony with the Phase I buildings on the site. There is no design review in the MF-2 District. Wetlands are on site and an asset to the proposal. Trails are shown linking up to existing trail facilities.

Section 602: Multi-family Residential 2 (MF2)

K. Purpose.

The proposed project provides multi-family dwellings, which is consistent with the purpose of the MF2 district.

L. Density / Lot Coverage.

The allowable density in this district is limited by a minimum lot size requirement of 7,500 square feet for the first dwelling unit plus 2,500 sf for each additional dwelling in the same structure. Each new structure requires 7,500 square feet for the first unit and 2,500 sf for each additional unit in the structure.

The applicant proposes 117 dwelling units in 3 buildings, which would require a lot size of 307,500 square feet. The existing lot size is 419,047 sf. **The applicant is within minimum lot size density limits.**

The maximum lot coverage shall be fifty (50) percent. **Applicant is within the Permitted lot coverage.**

M. Setback Requirements

The minimum front, side, and rear setbacks are 15 feet, 10 feet, and 10 feet respectively. **The proposal meets the setback requirements.**

N. Permitted and Conditional Uses

Permitted and Conditional uses are as indicated on the Use Chart in Section 620 of this Code. The **Multi-family dwellings are permitted in the Multi-family 2 District**

O. Parking Requirements

Off-street parking requirements are as specified in Section 703 of the LDC.

P. Building Height

The applicant requests a waiver for a building height of 4 stories, at 48 feet.

Section 602.F states:

Building heights shall not exceed three stories or thirty-five (35) feet, whichever is less. The commission may grant a waiver of up to four stories or 48 feet, whichever is less under either of the following conditions:

- 1. The property is located along a major arterial street and no adverse impacts on the character of the neighborhood would result.*
- 2. The project is not located on a major arterial street, but adequate buffering is proposed that would cause no adverse impacts on the character of the neighborhood.*

Staff believes that these conditions have been met and recommends that the approval of a waiver for building height.

Section 703: Parking and Loading

C. Off-Street Parking Requirements

Current parking requirements for Multi-Family Residential are; 2 per dwelling unit plus one guest space for each ten (10) dwelling units. This equates to a total of 257 parking spaces for the proposed 117 apartment units. The applicant is requesting a waiver of 52 spaces resulting in 205 parking spaces. This would equate to 1.75 spaces per apartment.

Section 703.K.16 states:

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

Commission may require any change in use on any property where a waiver has been granted to be reviewed for parking impacts, and the change shall be prohibited if it is deemed to generate a parking deficiency. The Commission shall determine that one or more of the following standards are met at a specific location prior to granting a waiver:

[only potentially relevant standards are included here]

(b) The applicant presents evidence that the parking requirements are excessive based upon new parking studies, traffic engineering data, or obvious and apparent existing parking demands.

(d) The applicant demonstrates that sufficient off-street parking is available at other locations within two hundred (200) feet which are, or have been approved by the Commission.

(g) The latest edition of the ITE Parking Manual, or other professional source, provides data which demonstrates that the parking demand for a proposed use is less than the standards specified in this Code."

Staff recommends the approval of this parking waiver based on actual parking demand demonstrated in Autumn Pond I, approved in 2013, which received a similar parking waiver.

K. Other Parking Standards

1. Location

The LDC requires that *"All parking lots shall be located on the lot for which the parking requirement was generated unless specific alternatives are approved by the Commission."*

All proposed parking spaces in this application are located within the project lot.

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."*

The applicant should provide clarification as to how stormwater drainage will be provided within subsurface parking and access drives due to snowmelt from vehicles.

5. Accessible Provisions

The applicant has included accessible parking spaces in both lower and upper parking areas. Staff believes that the current proposal meets accessible parking requirements set in the LDC.

7. Setbacks

As per the LDC, parking areas are located outside of the setback areas for the lot.

One of the proposed parking spaces in the front parking area is partially located in the side setback area.

8. Screening

The Site Plan depicts proposed landscaping around the front parking area. The proposed landscaping should be reviewed by the DRB for compliance with Section 708 of the LDC, see below.

9. Landscaping

The Site Plan depicts proposed landscaping around the front parking area. The proposed landscaping should be reviewed by the DRB for compliance with Section 719 of the LDC, see below.

10. Pedestrian Access

The Site Plan depicts a network of sidewalks and pathways linking parking areas to the buildings. For a discussion of pedestrian connectivity to surrounding off-site destinations, see Section 709: Private Streets.

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”. **The applicant has included bicycle racks in the proposal near the building entrances. The applicant has also included an indoor bicycle storage room on the first floor of the apartment buildings.**

12. Striping

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

14. Lighting

Lighting is discussed in Section 704 of this Code.” Lighting will be discussed in Section 704.

L. Additional features not currently required in the LDC

1. Electric Vehicle Charging

The applicant proposes to include a several electric vehicle charging stations and to include infrastructure for the future installation of additional chargers. Staff is supportive of this approach.

Section 704: Lighting

C. Lighting Plan

The applicant has submitted a lighting plan showing the location of proposed lighting fixtures, the specifications for all proposed lighting fixtures including a manufacturer’s catalog cut and photometric data showing numerical grid of lighting levels, in foot candles, that fixtures will produce on the ground.

Lighting in the parking area and on buildings appears to be generally consistent with the requirements of the LDC with one exception. No lighting is proposed along the proposed sidewalk behind/around proposed building 3.

The DRB should review this and determine if lighting along this proposed sidewalk around building 3 should be provided.

F. Roadway Lighting

No lighting is proposed along Autumn Pond Way. The applicant has indicated that they “agree to discuss lighting along Autumn Pond Way with the DRB, however, it is not the applicant’s intent to provide illumination the entire length of Autumn Pond Way.”

Staff notes that while a separate unpaved pedestrian trail exists, Autumn Pond Way is likely to be the most commonly used route for pedestrian and bicycle access to education, commercial and public transit destinations in the city center, particularly when the walking trail is snow covered. Without street lighting, pedestrians may have to light the ground using their cell phones after dark and to make themselves visible to motorists.

The LDC requires outdoor lighting in two relevant circumstances. If Autumn Pond way is to be considered a driveway to the parking lot, a minimum lighting level of 0.2 foot candles is required. If it is to be considered as a road, City Engineering specifications include street lighting as a standard feature.

During the review process for Autumn Pond Phase 1, the DRB had discussed lighting along Autumn Pond Way (Previously known as Thasha Lane). The January 2, 2014 decision by the Planning Commission included a recommendation that “the applicant consider streetlights on Thasha Lane as the neighborhood grows in density and popularity in the future.”

The DRB should review lighting along Autumn Pond Way and determine if lighting should be provided.

Section 705: Curb Cut and Access to Public Streets

Motor vehicle access to the site would be accommodated through Autumn Pond Way, widened to 28'. No significant changes on the connection to Old Colchester Rd is proposed.

Section 706: Accessory Uses and Structures

J. Dumpsters or Other Trash Containers

Dumpsters are proposed to be located at two locations, on a concrete pad enclosed with chain link fence with screening slats on the gate and cedar fence pickets on the sides and rear.

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 fences are proposed except around the dumpster pads.

Section 708: Screening/Buffering

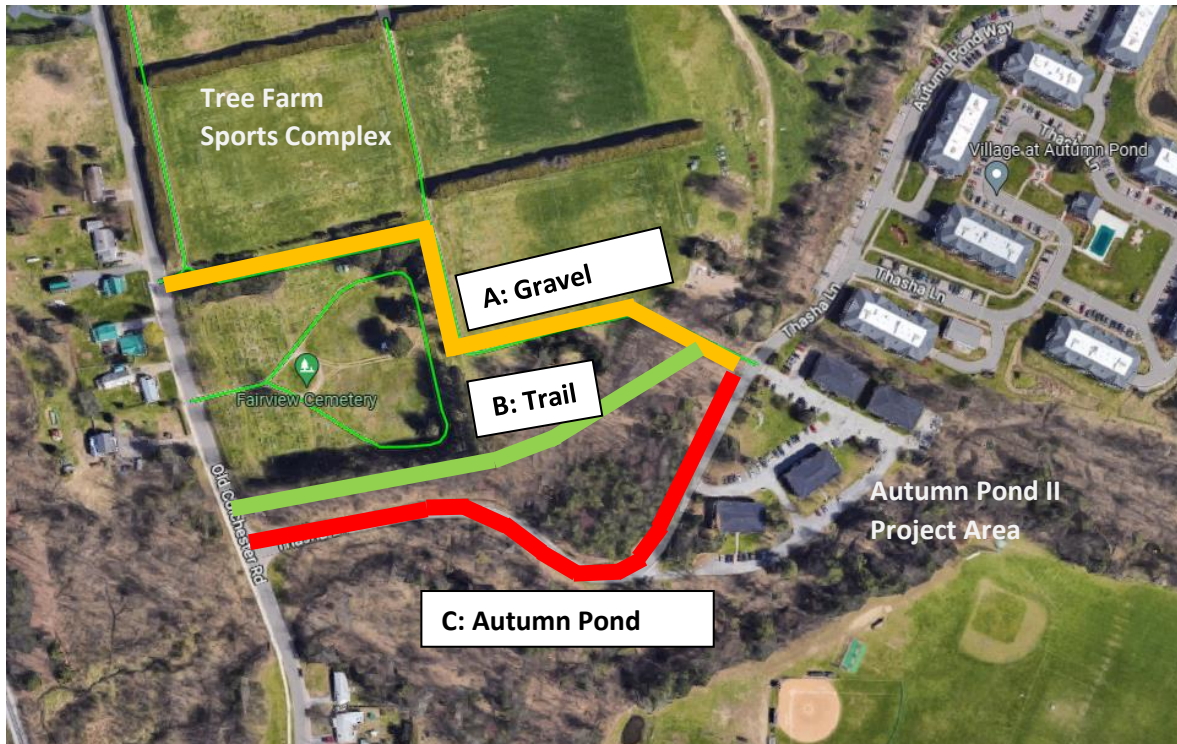
Mature trees in the Class II wetland south of the proposed development provides plenty of screening and buffering from the Essex High School property.

Section 709: Private Street

No new public streets are proposed. During the Phase I approval the applicant was told that the access road from Old Colchester Road to the property would have to be brought to Village LDC standards if a second phase was proposed.

The applicant proposes to widen the Autumn Pond Road pavement to 28', as specified in Public Works Standards; however, the proposal does not include a 5' sidewalk, as specified in the LDC. Pedestrian access is partially accommodated along adjacent paths and trails.

There are three ways to get from Old Colchester Road to the Autumn Pond project area. These are illustrated below:



- Route A is a gravel path towards, but for those traveling walking to the school, or destinations in the city center, it adds about five-hundred feet of out-of-direction travel, or about an additional two-minutes of walking.
- Route B is a direct, pleasant trail in the woods, with some steep grades which may be challenging for some, or potentially impassible for those with mobility challenges, especially in the winter.
- Route C is Autumn Pond Way, the paved access road proposed to be widened to 28 feet, but without lighting or other accommodations for pedestrians. Despite this, it is likely to be the most common walking path to reach Old Colchester Road for non-recreational trip since it is flat, reasonably direct, and maintained in the winter.

The issue of requiring a sidewalk on Autumn Pond Way (Formerly known as Thasha Len), was discussed during the review process for Phase 1. During the Planning commission meeting on November 21, 2013, the applicant stated that “having a sidewalk on Thasha Lane is not feasible due to the proximity of the stream and wetlands. There would be no room for storm water treatment. Thasha Lane is in the Class 2 wetlands buffer and the Agency of Natural Resources does not want more impervious surface in the buffer.” The gravel path connection to the tree farm was added instead.

Staff recognizes that the existing gravel path and trail partially fills the need for pedestrian access for Autumn Pond residents; however, Autumn Pond Way remains the only universally accessible direct route. We recommend that a sidewalk be provided, but if that is not feasible, the following options may mitigate some risks for pedestrians travelling along Autumn Pond Way:

- Painted 4' shoulders on each side of the 28' wide pavement would visually narrow the street, encourage slower motor vehicle speeds while creating safer space on for pedestrians and cyclists. Regular restriping would be necessary to ensure the lines remain visible. Refer to the [Small Town and Rural Design Guide](#) for more details on this treatment.
- Street lighting to improve comfort and safety for those walking or cycling along Autumn Pond Way.

The DRB should review plans for pedestrian and bicycle access from the Autumn Pond apartments to Old Colchester Road and provide direction on whether additional improvements are necessary.

Section 713: Stormwater Management

Appropriate drainage computations shall be provided demonstrating that the proposed project will maintain pre-development hydrology. Proper erosion prevention and sediment control measures shall be provided in the area of the proposed footing drainpipe and outfall to prevent erosion and stabilize the slope during and after construction.

Staff recommends a condition of approval requiring the applicant to submit a copy of the State Stormwater Discharge Permit for this project prior to issuance of a zoning permit. Additionally, 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 719: Landscape and Tree Planting Requirements

The applicant has submitted a landscaping plan produced by a licensed landscape architect.

The plan depicts one proposed trees less than 10' from the existing water main along Autumn Pond Way, located off the northwest corner of proposed building 1. The Public Works Department wants to have a minimum of 10 feet of clearance on each side between the existing water line along Autumn Pond Way and any proposed trees, walls, etc. to facilitate future maintenance and/or repairs.

Staff recommends that the DRB require the removal or relocate of this proposed tree as a condition of approval, to provide a minimum of 10 feet of clearance on each side of the existing water line.

Section 714: Sign Standards

The Site Plan does not depict a proposed sign for the project. If a sign is proposed, it should be depicted on the Site Plan with a detail provided.

Section 718: Performance Standards

G. Visual Impact

The project proposes to largely match the aesthetic character of the existing structures at Autumn

Pond I.

Staff Comments

Staff comments from the Public Works Department and City Engineer are summarized in the attached letter dated April 7, 2023.

Recommendations

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

- Section 602.F. The DRB should consider the necessary conditions therein prior to granting a building height waiver of four stories or 48 feet, whichever is less.
- 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 (a), (b), (c), (e), (f), and (g).
- Section 709: The DRB should review plans for pedestrian and bicycle access from the Autumn Pond apartments to Old Colchester Road and provide direction on whether additional improvements are necessary.
- Section 704: The DRB should review this and determine if lighting along this proposed sidewalk around Building 3 should be provided.
- Section 704: The DRB should also review lighting along Autumn Pond Way and determine if lighting should be provided. If changes to lighting are necessary, staff recommends that the DRB continue the hearing and make a final decision after the applicant submits updated lighting plans.

Proposed Stipulations

- 1) All staff comments are addressed to the satisfaction of staff and the DRB.
- 2) New trees are located with minimum of 10 feet of clearance on each side of the existing water line.
- 3) The draft sewer and storm water easement documents shall be provided for review and approval by the City attorney.
- 4) Record drawings for the site utilities are submitted to the City of Essex Junction upon completion of construction, in both AutoCAD and PDF format. In addition, this information should be provided in shapefile format in Vermont State Plane US Survey Feet, NAD83.
- 5) The location of fire department connections for each building shall be approved by the City of Essex Junction Fire Department prior to the issuance of a building permit.
- 6) Applicant shall submit a copy of the State Wetland Permit for this project to the City of Essex Junction prior to issuance of a zoning permit.
- 7) Applicant shall submit a copy of the State Stormwater Discharge Permit for this project prior to issuance of a zoning permit.
- 8) Applicant shall submit copies of the stormwater system annual inspection reports to the City of Essex Junction.
- 9) Applicant shall submit an electronic copy of an updated plan that includes all amendments to the plan set, including those required through state permitting processes, prior to the issuance of a zoning permit.
- 10) If final construction differs from plans, applicant shall submit as-built plans prior to the issuance of a Certificate of Occupancy.

- 11) Applicant shall adhere to the construction inspection requirements detailed in Public Works Specifications Section 119 of the Land Development Code. The plans should be revised to include a requirement for all sewer, water, and storm drainage utilities installed on the project site to be observed by an authorized representative of the City of Essex Junction prior to backfilling of said utility.