



Staff Report

To: Development Review Board City of Essex Junction
From: Robin Pierce, Community Development Director
Date: July 21st 2022
Re: Conceptual Plan Pearl Street Place by GVV Architects Inc., for Robert Paroline, Owner,
in the Highway Arterial District for a Planned Unit Development.

EXISTING CONDITIONS AND GENERAL INFORMATION:

Project Location: 132 Pearl Street.
Total Lot Size: 13,329.30 sq. feet.
Minimum Lot Size HA District: 10,000 sq. ft.
Lot Frontage: 100.05 feet.
Existing Lot Coverage: 48%
Permitted Lot Coverage: 65% which may be increased to 80% with a waiver.
Proposed Lot Coverage: 77.70% (with the G&W leased land included).
Existing Land Use: Residential.
Surrounding Land-Use: Mixed Use.
Existing Zoning: Highway Arterial.
Review Procedure: Conceptual Plan Review for a PUD.

Project Description: The plan is to remove the existing structures on site and construct a four storey building with 18 affordable residential apartments (six studios and 12 two bedroom) and one retail space, with a total of 25 parking spaces. **The Code requires 40 parking spaces, therefore a waiver is required.** There is also a **request to waive the side yard setback for two feet to permit proposed parking to encroach into the setback, and a request for a waiver for lot coverage which exceeds the 65% permitted. In addition the eastern driveway aisle that is twelve feet less than the 24 foot required for two way traffic and four foot less than the required twenty four foot wide aisle to the south of the building with ninety degree parking on either side will need waivers. Three waivers are being applied for:** Lot coverage, parking spaces, and side yard setback. **Six may be required if the proposed driveway aisle widths are included, and the below size accessible parking spaces are considered. The proposed eight foot high fence on part of the property would need a variance.** By right a six foot high fence can be installed. **The applicant has stated that they have a 99 year lease agreement with G&W railroad on the southern portion of the property which increases the size of the lot that is being reviewed by 3,416 sq. ft., increasing the**

reviewable lot size to 16,745 sq. ft. No lease has been presented and current understanding is that the railroad entity does not enter into 99 year leases, and any lease they sign comes with a standard 30 day termination clause. Without this lease in place eight parking spaces are lost and the southern drive aisle is essentially lost, reducing the available onsite parking by 8 spaces reducing available spaces to 17 for a proposal that requires 40 spaces. And this number only holds if waivers are given for parking in the side set back. If that does not occur the number of parking spaces falls further. **I feel this application should be postponed or tabled pending further information or a redesigned proposal that is more in keeping with the requirements of the HA District.**

This application is being reviewed under the requirements of the December 13th Essex Junction 2016 Land Development Code. The Highway Arterial District does not have design review requirements. However as a PUD this application does come under the review standards of the PUD section which does include design elements. The building itself has balconies on the eastern end and has three different surface materials. The roof appears to be flat. A stair well dominates the western corner of the building on Pearl Street. The proposed colours are a mix of muted tones and bright red. The entrance to the stair tower is on the west side of the building with a path that doesn't appear to connect with the Pearl Street sidewalk, and an entry door that does not face the street. The retail space has an entrance that is at 45 degrees to Pearl Street and has a connecting path to the City sidewalk. A cursory landscape plan has been included which will need to be updated to contain appropriate detail if this application moves on to next stage of approval.

Plans reviewed for this application consisted of the following:-

Pearl Street Place – Submittal #1			
Sheet #	Sheet Name	Dated	Last Revised
Prepared By: Guillot Vivian Viehmann Architects, Inc.			
C.1	Conceptual Site Plan	04-04-2022	---
LS.1	Conceptual Landscape Plan	04-04-2022	---

SECTION 605: HIGHWAY-ARTERIAL DISTRICT (HA)

- A. Purpose. To provide areas for retail, wholesale, commercial, residential, service and professional businesses while minimizing negative impacts due to increased traffic.
- B. Density/Lot Coverage. 1. The minimum lot size shall be ten thousand (10,000) square feet. The Highway Arterial District shall not have a maximum allowable density. The maximum number of dwelling units shall be determined by the ability to meet the standards of the Land Development Code including, but not limited to, parking, setbacks, lot coverage and building height. 2. **The maximum total lot coverage shall be sixty-five (65) percent, the sixty-five (65) percent lot coverage may be increased up to eighty (80) percent through a waiver process granted by the Planning Commission using the same criteria outlined in Section 601.G.3.**
- C. Setback Requirements. Overhangs or eaves on buildings may encroach into the setback up to two (2) feet. 1. The minimum front yard setback shall be twenty (20) feet. 2. **The minimum side yard setback shall be ten (10) feet.** 3. The minimum rear yard setback shall be ten (10) feet.

D. Permitted and Conditional Uses. Permitted and Conditional uses are as indicated on the Use Chart in Section 620 of this Code.

E. Parking Requirements. Off-street parking requirements are as specified in Section 703 of Village of Essex Junction Land Development Code December 13, 2016 81 Chapter 6 this Code.

F. Building Height. **Building height shall not exceed four (4) stories or fifty-eight (58) feet, whichever is less.**

G. Planned Unit Development. The Planning Commission may approve a Planned Unit Development in the Highway Arterial District. In connection with such PUD approval, the Planning Commission may authorize the construction of structures and facilities to accommodate any of the uses allowed in the Highway Arterial District. Any application for proposed development in the Highway Arterial District may, at the applicant's request, be reviewed as a Planned Unit Development. Refer to Section 511.B.1-3 for general and specific review standards in addition to waiver information for a PUD. 1. Commercial PUD. (a) Activities involving a Commercial PUD shall be reviewed in accordance with the procedures of this Section. Commercial PUD's are authorized in the Highway-Arterial District pursuant to Section 605.G. (b) Application Requirements. An application for a Commercial PUD shall be submitted and reviewed in accordance with the procedures of Section 511. (c) Review Standards. An application for a Commercial PUD shall be reviewed under the applicable standards of Section 511.B.1-3. (d) Expiration of Approval. An approval for a Commercial PUD shall expire in accordance with terms set forth in the approval. (e) Appeals. Any interested person may appeal a decision of the Commission regarding a Commercial PUD in accordance with the procedures set forth in Section 1707.

SECTION 511: GENERAL REVIEW PROCEDURES FOR PLANNED UNIT DEVELOPMENTS

A. Purpose. To provide a procedure for the timely and efficient review by the Commission of any proposals for Planned Unit Developments. Planned Unit Development review is intended to combine subdivision and site plan review into a unified process.

B. Review Requirements and Review Standards. With the exception of applications for Exposition Center PUD's, the review of applications for a Planned Unit Development approval shall include review of a Conceptual Plan and review of a Final Development Plan. Review of a Preliminary Development Plan between Conceptual Plan review and Final Development Plan submittal is optional but highly recommended. General Review Standards (a) Physical characteristics of the site and relation to surrounding properties. (b) Relationship to major transportation facilities, including mass transit, walkways and bike paths. (c) Design characteristics of the proposal and compatibility to adjoining developed land. (d) Unique design or land planning characteristics. (e) Methods used to provide a transition between adjoining uses and proposed uses including, but not limited to, setbacks, screening, fencing, building design and parking design. (f) The preservation of unique natural physical characteristics. (g) Building design compatibility with adjoining structures. (h) Other criteria, as deemed necessary by the Commission to evaluate the merits of a specific proposal. 2. Specific Review Standards (a) Proposed traffic flow and circulation design. (b) Design compatibility with adjoining developed properties. (c) Scale and design of proposed structures. (d) Location and setbacks of all proposed structures. (e) Unique physical characteristics of the proposed use. Chapter 5 (f) Unique characteristics of the proposed use. (g) Use of innovative techniques, including but not limited

to, clustering, Zero Lot Lines development, purchase/leaseback arrangements, and the provision of amenities including biking and hiking trails. 3. **Waivers. The Commission may waive requirements for lot coverage, setbacks, parking and height based upon the merits of the specific proposal. Waivers shall be based upon the following criteria and may include specific conditions. (a) Unique physical characteristics of the site proposed for development. (b) Superior building design, lot layout and landscaping design. (c) Provision of public open spaces or superior bicycle and pedestrian access. (d) Joint or combined vehicular access with adjoining properties. (e) Waiver of building height in Light Industrial District only.**

C. Conceptual Plan. A Conceptual Plan review is required to discuss initial project feasibility and to give the applicant the right to proceed. Detailed engineering studies are not required but sufficient data shall be submitted to enable the Commission to review the merits of the proposal.

1. Review of a Conceptual Plan shall require a public hearing. 2. **The Commission may approve or deny a Conceptual Plan, and may make suggestions to be included when the Preliminary or Final Development Plan is prepared.** 3. **Approval of a Conceptual Plan authorizes the applicant to proceed to the next steps of the approval process, but does not commit the Commission to further approvals.** 4. Submittal requirements. The Conceptual Plan application shall include sufficient information to enable the Commission to review the merits of the application and to determine that all Code standards will be met. At a minimum, the submittal shall include: (a) The project name, address and legal description; name, address and telephone number of the developer and project design professionals. (b) The approximate location of all proposed land uses including the number of dwelling units and/or the number, type and typical square footage of nonresidential buildings, and total square footage of the project. (c) The proposed height and number of stories of each building. (d) A sketch of a typical structure. (e) The approximate location of proposed roads, parking areas, sidewalks, bikeways, fire lanes and other proposed circulation elements and patterns. (f) A landscape concept showing typical planting schemes, types of planting materials and general locations of major landscaping items such as berms, ponds, retaining walls or other man-made improvements. (g) The approximate location and size of proposed curb cuts on public or private streets, and the size and type of all interior curb cuts. (h) The approximate location and size of all common improvements, common open space and lands to be dedicated to public ownership. (i) An estimate or projected use of public infrastructure, including a preliminary statement regarding traffic, sewer and water demand impacts. (j) Information on surrounding properties, including land uses, zoning, ownership and traffic patterns. (k) The height, size, location and typical sketches of proposed signs and fencing, if any. (l) A preliminary analysis of drainage proposals, including a topographical map of the project area. (m) An indication of proposed setbacks and minimum distances between proposed structures. (n) A written request for any waivers to any standards contained in this Code, along with a justification for the request. (o) Any other information deemed pertinent to the review of the specific Conceptual Plan.

Section 703: Parking

A parking waiver has been requested for 15 cars. **There may be an opportunity for the Applicant to provide payment in lieu of construction of the required 15 or 23 on-site Parking spaces for the municipality to provide public parking at a future date.**

Section 704: Lighting

Any future plans shall provide all the required documentation needed to comply the December 13th 2016 Essex Junction Land Development Code.

Section 719: Landscaping

A full landscape plan will be required for any future DRB meetings for this application.

Staff Comments.

- 1) For future submittals, the applicant will need to provide complete design plans and details for the construction of the proposed improvements. This information should include, at a minimum, drives, parking, sidewalks, detailed grading, drainage, stormwater management, utilities (water, sewer, etc.), lighting, and erosion prevention and sediment control as per the December 13th 2016 Land Development Code .
- 2) The access drive on the east side of the proposed building is shown as approximately 12' wide. In accordance with the LDC requirements, the width of this drive should be increased to 24' for two-way traffic with 90-degree parking or a one-way circulation pattern should be indicated on the plans if this drive is to remain 12' wide. The access drive on the south side of the proposed building is shown as approximately 20' wide. The width of this drive should be increased to 24' in accordance with the LDC requirements for two-way traffic with 90-degree parking. Unless the DRB issues a waiver for the proposed configuration.

Recommendations:

The Community Development Department recommends this application is postponed or tabled until it has been redesigned to fit the lot size.