

**CITY OF ESSEX JUNCTION
PLANNING COMMISSION
PUBLIC HEARING
MINUTES OF MEETING
April 4, 2024
APPROVED June 6, 2024**

MEMBERS PRESENT: Phil Batalion, Chair; Patrick Scheld, Vice Chair; Diane Clemens, Scott McCormick, Elijah Massey.

ADMINISTRATION: Chris Yuen, Community Development Director.

OTHERS PRESENT: None.

1. CALL TO ORDER

Phil Batalion called the meeting to order at 6:35 PM.

2. AGENDA ADDITIONS/CHANGES

Director Yuen requested the addition of sub-item #5(a)(vii) to discuss accessory apartment amendments in the Land Development Code.

3. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda
None.

4. MINUTES

a. March 7, 2024

MOTION by SCOTT McCORMICK, SECOND by ELIJAH MASSEY, to approve the minutes of March 7, 2024 as presented. VOTING: unanimous (5-0); motion carries.

5. BUSINESS ITEMS

a. Land Development Code amendments, including discussion on the following topics:
i. Sign Regulations

Director Yuen said that the approach for amendments related to sign regulations was to use Burlington's existing regulations but tailor them to Essex Junction. He said that this draft version of the amendments is also based on discussion held at the March 7, 2024 Planning Commission meeting. He spoke briefly about several noteworthy changes. These included a revised set of definitions, where definitions were removed from them body of the text to avoid duplication and conflict. Commissioner Batalion pointed out an inconsistency with the allowed dimensions of directional signs, and Director Yuen flagged this for further revision and set the limit at 4 feet. Other changes include referencing the approval procedure for activities requiring review in Section 714 rather than spelling out the procedure in Section 502.H, to avoid duplication, technical fixes to Section 714, adding a content-neutral allowance for flags on flagpoles on residential and commercial properties, adding a permit requirement for neon window signs, adding back in the existing allowance for an additional freestanding sign on large lots and increasing the allowable size for the second sign to 30 feet from 20 feet, adding back in an existing allowance for a menu sign at drive-thru facilities, adding a requirement that marquee signs in the Design Review

Overlay District be reviewed by the Development Review Board, adding a requirement that sandwich boards be allowed within 15 feet of the front door of a business or within 15 feet of a vehicular or pedestrian entrance to the property on which the business is located (and continue to require the boards to be removed outside of business hours), modifying the wall sign size limit to 80 square feet for signs within 50 linear feet of the nearest public road, and adding in sign type example photographs (this has not yet been done but will be prior to the final review of the amendments). Director Yuen also spoke about a specific sign example related to the VFW, which has an un-permitted changeable message sign placed on the neighboring Northfield Savings Bank property. He noted that it is unclear whether the VFW has permission from the bank property to have the sign there, and that the additional sign wouldn't be permissible under either the existing LDC or under these draft amendments. Commissioner Batalion asked whether having a sandwich board there would be permissible instead, and Director Yuen replied that it would. Commissioner Scheld asked whether they could approach the owner of the strip mall and ask them to include the VFW sign on a second freestanding sign, and Director Yuen said that this is a viable solution as well.

ii. Electric Vehicle (EV) Charging Requirements

Director Yuen provided an update on EV charging requirements, saying that he does not think it would be a good idea to try and implement municipal regulations at this time. He suggested waiting until after South Burlington implements its regulations and seeing how they fare. Commissioner Clemens said that they can continue to remind developers and applicants to follow State Statute, which now requires developments to be built to have EV charging capabilities.

iii. Approval of Temporary Uses – Food Trucks and Trailers

Director Yuen said that in the past, food trucks and trailers on private commercial property have been issued temporary use zoning permits for a period of up to six months in a one-year period. He said that the previous administration was not strict in enforcing this, especially during Covid. He asked whether it makes sense to allow food trucks and trailers to operate year-round, noting that the City's Technical Review Committee recommended that if the Planning Commission wants to make year-round food trucks permissible, a viable approach would be to continue to treat these establishments as temporary uses but allow them to apply for a consecutive new permit every six months. Planning Commissioners agreed with this approach.

iv. Tandem Parking Spaces

Director Yuen said that tandem parking would allow for compact and creative site plan layouts for multi-family housing developments, and suggested that the Planning Commission consider explicitly allowing it. He provided draft language taken from Williston's Form Based Code. Planning Commissioners were not opposed to allowing tandem parking, and Director Yuen said he would get more details about the dimensions within the draft language from Williston.

v. Planned Unit Development (PUD) Open Spaces

Director Yuen noted that one requirement of PUDs (to provide private outdoor open space) makes it impossible to apply towards multi-story residential buildings. He outlined draft language that would grant more flexibility for multi-story residential buildings, by requiring no less than 750 square feet of private outdoor space per unit if every residential unit is on the ground floor, but also adding a requirement for PUDs with residential units on the ground floor and upper stories, where ground floor residential units have a private outdoor space of no less than 100 square feet, and upper stories have a

private outdoor space (balcony, deck, etc) of no less than 40 square feet. Commissioner Batalion expressed support for increasing flexibility for multi-story developments, but said that PUDs are meant to encourage creativity, and this language would require each unit to have a balcony or deck. He suggested allowing additional flexibility on the part of the developer to be creative in how it meets open space requirements for public and private open spaces. Commissioner McCormick expressed concern about balcony or deck requirements increasing the cost of developments. Commissioner Scheld expressed support for the proposed language as written. Other Commissioners concurred.

vi. Other changes for consistency with State Statute

Director Yuen noted several amendments that were necessary for ensuring consistency with State Statute. He said that the Multi-Family-3 (MF-3) zone's density limits need to be increased to 4 to meet requirements of the Home Act (Act 47) of 2023. He also said that certain uses, such as hospitals and emergency shelters, are required by statute to be permitted uses in all districts. He said that these changes will be included in the next version of the draft amendments for the Planning Commission's consideration.

vii. Accessory Apartments *new sub-item*

Director Yuen began by noting that accessible apartments are intended to increase density in areas where the vast majority of housing is single-family. He noted that based on the common definition of accessory dwelling units, they don't need to be accessible to just single-family homes, but that the Essex Junction LDC limits accessory dwelling units to single-family homes. He outlined an example where someone is seeking to build an accessory dwelling unit on the same property as a duplex, which isn't permissible under current LDC regulations. He said that they could allow accessory apartments for buildings other than single-family, or they could allow multiple buildings per lot. The Planning Commission discussed this, and said that allowing multiple buildings per lot is a big change. Director Yuen agreed, but said that they could approach it similarly to Burlington in its Neighborhood Code ordinance, which allows multiple buildings per lot with up to four units in each. Commissioner Batalion said that if they decide to pursue allowing multiple buildings per lot, they should involve the City Council in this discussion. Other Commissioners agreed. Director Yuen said that he would put together a draft amendment to allow multiple buildings per lot, for the Planning Commission and City Council's consideration.

6. COMMISSIONER UPDATES

a. Mural Grant

Commissioner Scheld said that the mural grant isn't moving forward, unfortunately, but that he met with the homeowner, who was very enthusiastic about some kind of public art being placed on the concrete wall in question. He said that he will continue to explore other avenues for funding.

b. Vision & Strategic Planning

Commissioner McCormick said that the online survey is live and open for the next several weeks. He said that results will be presented to the City Council later this month. Director Yuen noted that staff and the Council will also work to prioritize the work that comes out of the vision and strategic planning process itself.

Commissioner McCormick also added that he was appointed to the Vermont Climate Council's Subcommittee on Rural Resilience and Adaptation, saying that he will keep the Planning Commission apprised of any developments that come out of that subcommittee.

7. STAFF UPDATES

a. Staffing changes

Director Yuen noted that the City Planner position is now vacant and the City is currently accepting applications to fill the position.

8. ADJOURNMENT

**MOTION by PATRICK SCHELD, SECOND by SCOTT McCORMICK, to adjourn the meeting.
VOTING: unanimous (5-0); motion carries.**

The meeting was adjourned at 8:33 P.M.

RScty: AACoonradt