

Staff Report

To: Planning Commission
From: Robin Pierce, Development Director
Date: May 18, 2017
Re: Sketch and Final Plan review in the MF3 District for 13-15 Church Street by O'Leary Burke Engineers agent for the applicants, Elizabeth and Patrick Fleming and Karen and Jack Nee, owners.

EXISTING CONDITIONS AND GENERAL INFORMATION:

Project Location: 13-15 Church Street
Minimum Lot Size: 7,500 sq. ft.
Existing Lot Size: 19,600 sq. ft.
Proposed Lot Size: Lot 1: 10,555 sq. ft. Lot 2: 9,042 sq. ft.
Lot Coverage: Permitted: 40%
Existing Lot Coverage: 20%
Proposed Lot Coverage: Lot 1 29% Lot 2 29%
Existing Lot Frontage: 160' East Street and 85 feet Church Street
Proposed Lot Frontage: Lot 1 85 feet Lot 2 160 feet
Existing and Proposed Land Use: Residential
Surrounding Land-Use: Residential
Existing Zoning: Multi Family Residential 3
Review Procedure: Sketch and Final Site Plan Review

Project Description: This is a subdivision in which Lot 1 retains the existing duplex, and Lot 2 will have a new single family dwelling with four bedrooms. Currently Lot 1 uses two curb cuts, one on East Street and one on Church Street. The Church Street curb cut will be retained for the existing building, and the East Street curb cut will provide access to the new single family home with a garage and porches front and rear. The boundary line between the two proposed lots is already lined with mature vegetation which are preserved with the exception of two trees that would be within the walls of the new house. The new building shall be no higher than twenty five (25') feet. The existing driveway on East Street will be removed and replaced to the south of the current driveway. The old driveway will be restored to grass. Each lot meets the dimensional standards of the MF3 District. There is no design review in this district.

SECTION 603: MULTI-FAMILY RESIDENTIAL 3 (M-F3)

A. Purpose. To provide areas for low density multi-family dwellings and accessory residential uses.

B. Lot Size/Lot Coverage

1. The minimum lot size shall contain seven thousand five hundred (7,500) square feet for the first dwelling unit plus three thousand (3,000) square feet for each additional dwelling unit in the same structure or within an accessory structure existing on the effective date of this Code, as long as the existing accessory structure is not expanded. Any expansion to an existing accessory structure being used as a dwelling shall require seven thousand five hundred (7,500) square feet of lot size. Each new structure requires seven thousand five hundred (7,500) square feet for the first unit and three thousand (3,000) square feet for each additional unit in the same structure. One principal structure is allowed per lot. One single family home is allowed per lot unless reviewed as a Planned Development.

2. The maximum total lot coverage shall be forty (40) percent.

C. Setback Requirements

1. The minimum front yard setback shall be thirty (30) feet. The front yard setback shall be established by the average setback of the principal structures on the two adjacent lots (or the closest two lots on the same side of the same street) and the minimum setback requirement for the underlying zoning district. The principal structure shall have a setback between the established maximum and minimum setback as described above. Semi-attached accessory structures (such as a deck) shall be allowed if there is sufficient space between the principal structure and the minimum setback. Porches that are integrated into the principal structure shall be considered part of the principal structure. If a principal structure is not parallel to the front lot line the setback will be determined by the average setback at the two corners of the structure closest to the front lot line. The Planning Commission may waive this requirement if the following conditions are met:

(a) The proposed setback does not negatively impact the character of the neighborhood; and

(b) The proposed setback would be in keeping with the setbacks and character of anticipated future development of the area.

2. The minimum side yard setback shall be ten (10) feet.

3. The minimum rear yard setback shall be ten (10) feet.

D. Maximum Number of Dwelling Units. The maximum number of dwelling units on any individual lot shall be three (3).

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

F. Parking Requirements. Off-street parking requirements are as specified in Section 703 of this Code.

G. Building Height. Building heights shall not exceed three (3) stories or thirty-five (35) feet, whichever is less.

Staff Comments.

General

- 1) The plans should be revised to depict the limits of disturbance within the Village right-of-way to the existing roadways, sidewalks, and utilities necessary for the project construction; along with appropriate details for the disturbance and repair/replacement of these elements.

The plans have been revised in response to this comment. The applicant has chosen to reference page D-5 of the LDC for sidewalk replacement requirements, which we find acceptable. However, the plans should be revised to provide a pavement replacement detail for the roadway restoration following the utility connection work.

- 2) The plans should be revised to require 48 hours advance notice to the Village of Essex Junction prior to work inside the Village right-of-way or on utilities owned or to be owned by the Village. **This comment has been addressed.**
- 3) The plans should be revised to depict 8' wide drainage and utility easements along the side and rear lot lines, per Section 907 of the LDC.
This comment has been addressed. Sheet PL1 has been revised to depict an 8' wide drainage and utility easement along the side and rear lot lines of Lot 2. This sheet should be further revised to depict the 8' wide drainage and utility easement along the side and rear lot lines of Lot 1 as well.
- 4) On Sheet #2, the Stump Disposal Specifications should be revised to remove "...contingent upon approval from the Town building inspector.", as the Village does not have a building inspector. **This comment has been addressed.**
- 5) The Development Application should be revised to present lot coverage information for the file. **The applicant indicated that "the application has been edited to reflect lot coverage." We were not able to confirm this, as the revised development application was not included in the submittal documents we received.**

Roadways, Drives, and Walkways

- 1) The plans label the existing sidewalk along East Street as "Paved Sidewalk". We believe this sidewalk is cement concrete. The applicant should confirm the type of sidewalk and revise the plans as needed. **This comment has been addressed.**
- 2) The plans call for the removal of the existing gravel drive on East Street that serves the existing house; and hatches the removal area. The plans should be revised to also require removal of the portion of this existing gravel drive between East Street and the existing sidewalk; and require this area to be restored to grass. **This comment has been addressed.**
- 3) The Driveway Section detail shown on Sheet #2 should be revised to depict the location of the sidewalk. In addition, this detail should be revised to require 2½" inches of pavement, instead of 2", for that portion of the driveway inside the Village right-of-way, per page D-5 of the LDC. **The applicant indicated that "Sheet 2 edited to reflect the location of the**

sidewalk in the detail and additional ½” of pavement for the section of driveway inside the Village Right of Way.” The Driveway Section detail on Sheet #2 does not depict the location of the concrete sidewalk. The plans should be revised accordingly.

- 4) The section of existing sidewalk to be crossed by the new driveway for Lot 2 will need to be replaced in accordance with page D-5 of the LDC. **This comment has been addressed.**

Grading & Drainage

- 1) The plans should be revised to depict proposed grading so that the proposed direction of stormwater runoff can be understood. **This comment has been addressed.**
- 2) The applicant has indicated that “*Stormwater management will be provided entirely on-site. Based upon a review of the site, there are no record of drainage problems in this area of the Village, and it appears that the site can accommodate the proposed project.*” We recognize that this is a relatively small project, however additional information should be provided on the method(s) to be utilized for stormwater management and their location(s). For example, the plans include a Drywell Detail on Sheet #2; the proposed location for this feature should be shown on the plans.
The southern portion of the existing property is vegetated lawn area that is fairly open and gently sloping. The new house and driveway will create new impervious area in close proximity to the property lines, with relatively steep slopes away from the new building. While we recognize the existence of sandy soils in this area, we are concerned with the potential for runoff onto the adjacent properties, especially during the winter months. The Village reserves the right to require drainage improvements on the project site if drainage problems develop in the future as a result of this project.
- 3) On Sheet #2, the Drywell Detail calls for backfilling the concrete structure with ¾” – 1½” stone wrapped in fabric. The concrete drywell structure is to have 1” x 6” openings. This detail should be revised as needed to prevent the stone backfill from entering the structure through the openings. **This comment has been addressed.**

Water

- 1) The plans should be revised to depict the location of the existing water service to Lot 1. **This comment has been addressed.**
- 2) The plans should be revised to provide a minimum of 10’ of horizontal separation between the new water and sewer services to Lot 2. **This comment has been addressed.**
- 3) On Sheet #2, the Typical Water Trench Details labels the water pipe as “Ductile iron, CL52, or ¾” copper”. The Site Plan (Sheet #1) shows a 1” copper water service proposed for Lot 2, as does the Sewer/Water Separation Detail for Crossings shown on Sheet #2. The applicant should clarify the size of the water service for Lot 2 and revise the plans as necessary. **This comment has been addressed.**

- 4) On Sheet #2, the Water Service Detail shows the corporation stop being connected to the water main at 3 o'clock. This detail should be revised to show the corporation stop being connected to the water main at 2 o'clock per the LDC. **This comment has been addressed.**

Sanitary Sewer

- 1) The plans should be revised to depict the location of the existing sewer service to Lot 1. **This comment has been addressed.**

Erosion Control

- 1) The plans should be revised to depict the locations of proposed erosion prevention and sediment control measures to be implemented during construction. **This comment has been addressed.**
- 2) The plans should be revised to prohibit the use of Phosphorus based fertilizer(s) unless warranted by soil testing. **This comment has been addressed.**

Recommendations

Staff recommends the Planning Commission approve the Sketch and Final Site Plan with the following conditions:

1. Village Staff comments should be addressed and satisfied prior to the issuance of a zoning permit.
2. All work must comply with the Village LDC.
3. If post construction stormwater runoff exceeds preconstruction stormwater runoff the Village reserves the right to have the owner and/or assigns take remedial action to reduce runoff from Lots 1 and 2.