

1 **ESSEX PLANNING COMMISSION**
2 **November 14, 2019**

3 **STAFF REPORT – 17 CORPORATE DRIVE**

4 **Site Plan Review**

5 Prepared by Darren Schibler, Town Planner

6 **Applicant**

7 Astor, LLC
8 C/o Dzemail Dzanko
9 PO Box 211
10 Essex Junction, VT 05453

11 **Proposal**

12 The applicant has proposed a two-phase development of two manufacturing and warehouse
13 buildings (9,600 square feet and 7,200 square feet, total of 16,800 square feet) at 17 Corporate
14 Drive, a vacant 2.45-acre lot in the Resource-Preservation District – Industrial (RPD-I) zoning
15 district, Tax Map 72, Parcel 3, Lot 17. Up to fifteen employees would occupy both the buildings
16 at full build-out.

17 Abutting properties to the west, south, and east are in the RPD-I district and have been or will be
18 developed with light manufacturing, office, and storage uses. A Medium Density Residential
19 (R2) District contains single-family homes to the northeast of the parcel, separated by the RPD-
20 I's 200-foot buffer.

21 **Background**

22 In October 1997 the Planning Commission approved a private road on Lot C in the RPD-I
23 district, with the expectation that the road would eventually become a public road. The approval
24 included a condition that a sidewalk be installed when lots were developed.

25 In November 2000 the Planning Commission gave Final Approval to a 13-lot subdivision, the
26 first of two phases of the subdivision of Lot C. Lots 1-12 were created, the 13th being the
27 remaining lands for Phase II, and the previously-approved private road was made public and
28 named Corporate Drive.

29 In January 2002 the Planning Commission approved a Final Plan Amendment allowing overhead
30 power lines on Corporate Drive. Individual lots had to connect to the overhead power via
31 underground lines.

32 In September 2007 the Planning Commission approved an 11-lot subdivision for the western half
33 of Corporate Drive. The subdivision is considered Phase II of the subdivision approved in 2000.

34 The community stormwater pond for Phase II, located on Lot 13, was upgraded following an
35 August 2014 site plan approval for development on that lot.

36

37 **I. Article V, Section 5.6 of the Zoning Regulations: Site Plan Review**

38 The applicant has applied for Site Plan Review pursuant to Section 5.6 of the *Town of Essex*
39 *Outside the Village of Essex Junction Official Zoning Regulations*. The purpose of site plan
40 review is to ensure the project’s compliance with the *Town Plan*, the *Zoning Regulations*, and
41 conditions of previous approvals. Site Plan review standards specifically include preservation of
42 natural and scenic features, layout of development, access, internal circulation, parking,
43 landscaping, lighting, and utilities and fire protection.

44 The applicant has submitted the following plans:

- 45 • Plan Sheet #1, “100-Scale Overall Plan, Saxon Hill Industrial Park – Lot #17,
46 Corporate Drive, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC,
47 dated 09/23/2019;
- 48 • Plan Sheet #2, “Site Plan, Saxon Hill Industrial Park – Lot #17, Corporate Drive,
49 Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 09/23/2019;
- 50 • Plan Sheet #3, “Lighting Plan, Saxon Hill Industrial Park – Lot #17, Corporate Drive,
51 Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 09/23/2019;
- 52 • Plan Sheet #4, “Road + Storm Details, Saxon Hill Industrial Park – Lot #17,
53 Corporate Drive, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC,
54 dated 09/23/2019;
- 55 • Plan Sheet #5, “Water + Sewer Details, Saxon Hill Industrial Park – Lot #17,
56 Corporate Drive, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC,
57 dated 09/23/2019;
- 58 • Plan Sheet #6, “Erosion Prevention + Sediment Control Plan + Specifications, Saxon
59 Hill Industrial Park – Lot #17, Corporate Drive, Essex, VT,” prepared by O’Leary-
60 Burke Civil Associates, PLC, dated 09/23/2019.

61 **(A) ZR Section 5.6(A), General Requirements**

62 **1. Conformance with the Essex Town Plan**

63 The project complies with the following goals and objectives of the 2016 *Essex Town*
64 *Plan*:

65 **Goal 1f:** *Economic development is carried out in the Saxon Hill Industrial Park*
66 *with consideration and respect for the natural surroundings.*

67 **General Policy 2:** *Economic growth shall be diversified, with development*
68 *occurring in and around ... the Saxon Hill/Resource Preservation District –*
69 *Industrial (RPD-I) zoning district.*

70 **Specific Policy 2(S).2:** *The retention and expansion of businesses at existing*
71 *industrial and commercial sites shall be supported...*

72

73 **2. Dimensional limitations and provisions of the Zoning Regulations**

74 This project is located in the RPD-I district, and must conform to the standards listed
75 in Table 2.14 of the *Zoning Regulations*.

76 **(a) Table 2.14, Resource Preservation-Industrial District (RPD-I) Standards**

77 **i. Purpose**

78 The project reflects the purpose of the RPD-I in that the development activity is
79 located within the 40% industrial area designation, and will be carried out in
80 harmony with the natural surroundings. Furthermore, natural attributes (i.e.,
81 forest cover and trails) will be protected for public enjoyment.

82 **ii. Permitted Uses**

83 Manufacturing and warehousing are permitted uses in the RPD-I district. No
84 conditional uses are proposed.

85 **iii. District Dimensional Requirements**

86 The proposed project conforms to Table 2.14(D), Dimensional Requirements of
87 the RPD-I district, as noted below:

Dimensional Requirements	Required	Proposed
Minimum Lot Area – Nonresidential	40,000 sf	106,722 sf
Minimum Lot Frontage	200 ft.	200 ft.
Minimum Front Setback (from ROW)	50 ft.	52 ft.
Minimum Side Setback	25 ft.	27 ft.
Minimum Rear Setback	25 ft.	210 ft.
Minimum Buffer/Residential Districts	200 ft.	210 ft.
Maximum Lot Coverage – All	60%	37.9 %
Maximum Height	45 ft.	26 ft.

88
89 **iv. District Development Standards**

90 The plans show the retention of the 200-foot buffer along the rear of the
91 property as required under this section. The applicant has requested a waiver to
92 clear within the 50-foot buffer and replace it with four new street trees; this is
93 reviewed along with the landscaping plan in Finding I(F).

94 **3. Protection of public health, safety, and welfare**

95 The proposed project will not impact public health, safety, or welfare. Further review
96 of fire and life safety considerations are in Finding I(I).

97 **4. Outstanding violations**

98 The property does not have any outstanding zoning violations.

99

100 **(B) ZR Section 5.6 (B), Natural features**

101 The *Zoning Regulations* state that “site layout and design, to the extent feasible, shall
102 incorporate and protect significant natural features as identified on the Significant
103 Features and Water Resources Maps contained in the Town Plan of record or through site
104 investigation.” Neither the Significant Features Map nor the Water Resources Map show
105 any features on the property.

106 The Parks and Recreation Director did not comment on this application.

107 **1. Topography**

108 The *Zoning Regulations* call for minimal changes to a site’s topography and
109 vegetation, specifying that a site “shall be planned to retain, insofar as possible, the
110 natural contours and to conserve the natural cover and soil.”

111 The lot is currently wooded and generally flat except for a small knoll running east-
112 west through the center of the site and rising approximately seven feet (7ft.) above the
113 base elevation of 498 feet above sea level. Grading would occur to remove this knoll
114 and use the fill at the rear (northeast) of the site, leaving a slight (0.05%) slope
115 downward towards the rear building. Additional grading would occur to create the
116 stormwater swales on the sides of the site. The applicant anticipates some excess fill
117 will need to be hauled off-site to achieve the desired grades.

118 The 200-foot buffer area to the rear of the site would remain forested, but most of the
119 remaining land would be cleared. The applicant has proposed planting four trees
120 along the road to replace the 50-foot buffer. Landscaping will be covered in more
121 detail in Finding I(F).

122 **2. Steep Slopes**

123 The site does not contain any slopes greater than 15%, and none would be created by
124 the proposed development.

125 **3. Surface Waters and Wetlands**

126 The property does not contain any surface waters or wetlands.

127 **4. Renewable Energy**

128 The applicant has not proposed production of renewable energy on-site at this time;
129 however, conduits for future electric vehicle charging stations would be located at
130 two of the parking spaces adjacent to Building 1. The proposal would not impact the
131 ability of neighboring properties to use renewable energy, as it would not create light
132 or wind shade over property lines.

133 **5. Open Space**

134 The site does not contain any open meadows. The RPD-I’s 200-foot buffer, which
135 runs along the southwestern boundary of the property, will remain forested and open
136 to the public via an existing trail.

137 **(C) ZR Section 5.6 (C), Access**

138 Pedestrian and vehicular access to the site must meet applicable design standards in the
139 *Zoning Regulations* and Public Works specifications. The Planning Commission can
140 impose conditions related to on- or off-site improvements meant to mitigate the impact of
141 traffic, or to maximize pedestrian and vehicular safety.

142 Primary access to the lot will be via a new curb cut off Corporate Drive. In the project
143 narrative dated October 1, 2019, the applicant's engineer stated that the project would
144 generate 6 AM and 5 PM peak hour trips according to the ITE Trip Generation Manual,
145 8th Edition.

146 Accounting for all lots that are approved and pending for the Corporate Drive
147 subdivision, this would bring the total available vehicle trip ends (VTEs) to 85 AM and
148 54 PM. The average number of trips per lot thus far is 15.67 AM and 14.67 PM; with five
149 lots left to build, the average number of remaining trip ends available for each lot would
150 be 17 AM and 10.8 PM.

151 In a memorandum dated October 28, 2019, Public Works staff concurred that the traffic
152 impact would be minor, but required that the applicant submit a more complete analysis
153 of traffic impacts, including any impacts to the level of service (LOS) at nearby
154 intersections (Corporate Drive and Allen Martin Drive, and Allen Martin Drive and VT
155 Route 15).

156 **(D) ZR Section 5.6(D), Site Circulation**

157 The *Zoning Regulations* require the Planning Commission to consider on-site vehicular
158 and pedestrian circulation, and allow the Commission to impose conditions to ensure
159 adequate circulation. The Planning Commission must also carefully consider safety and
160 accessibility, as required by the Americans with Disabilities Act.

161 The driveway, which narrows from a 60-foot-wide apron to a 24-foot-wide drive, runs
162 northeast through the site, with most of the parking along the southeast and around two
163 sides of each building. Snow would be plowed northeast off the parking area at the head
164 of one of the stormwater swales. Aisle widths are sufficient to allow adequate vehicular
165 circulation and emergency access.

166 **(E) ZR Section 5.6(E), Parking**

167 Parking must be provided in accordance with Section 3.9 of the *Zoning Regulations*, and
168 no more than 50 percent of a front-yard setback can be devoted to parking.

169 Plan Sheet 2 shows bicycle parking at the northeastern corner of the phase 1 building.

170 The parking ratio for manufacturing and warehouse buildings is 1 space per 400 square
171 feet of floor area, or 2 spaces for every 3 employees. With a total of 16,800 square feet of
172 floor area and 15 employees maximum, the required number of spaces would be 42
173 spaces by floor area or 10 spaces by employees. The plans show 36 spaces, 4 of which
174 would be van-accessible by ADA standards. This exceeds the minimum requirement

175 based on employees, and is an acceptable modification of the requirement based on floor
176 area given the proximity of a sidewalk and provision of bicycle parking. Further
177 reduction in the number of parking spaces may be warranted upon application for Phase 2
178 of the project (the rear, 7,200-square-foot building) based on actual parking demand
179 demonstrated after Phase 1 is complete and in use.

180 **(F) ZR Section 5.6(F), Landscaping and Screening**

181 The Planning Commission can require landscaping to achieve the objectives of the
182 *Zoning Regulations* and the *Town Plan*. The landscaping objectives in the RPD-I district
183 involve the preservation of forest cover, including routing utilities along driveways where
184 possible and replacing any disturbed buffer areas with trees of the same species and at the
185 same density. In addition to the landscaping requirements, Table 2.14(D)(7)(c) of the
186 *Zoning Regulations* specifies that a 50-foot buffer must be maintained along interior
187 RPD-I streets, including Corporate Drive, unless the Planning Commission waives the
188 requirement.

189 The applicant has requested a waiver from the 50-foot buffer requirement. In the project
190 narrative dated October 1, 2018, the applicant’s engineer wrote,

191 *We are requesting a waiver to clear the 50 ft buffer along Corporate Drive in order*
192 *to replace the fragmented buffer with street trees similar to the recently approved*
193 *Corporate Drive Phase II projects.*

194 The applicant proposes planting two northern red oak and two red maple trees within the
195 50-buffer, in keeping with the Table 5.1(A) requirement of one tree for every 50 feet of
196 frontage. The species selection matches other landscaping plans for projects recently
197 approved in the area, and the trees are located to avoid conflict between the roots and
198 buried utility lines. No additional landscaping is proposed around the buildings that
199 would create visual cover for criminals, a concern expressed by the Police Chief in an e-
200 mail dated October 15, 2019.

201 **(G) ZR Section 5.6(G), Lighting**

202 The *Zoning Regulations* call for an exterior lighting plan that provides “site lighting and
203 lighting levels that are appropriate for the anticipated activities on the site and the
204 property’s surrounding context, and that maximize the efficiency of site lighting and
205 energy demand, while minimizing up-light glare, and unnecessary spillover light or light
206 diffusion onto adjacent properties.” In an e-mail dated October 15, 2019, the Police Chief
207 requested that lighting be sufficient to allow detection of criminal activity by officers.

208 The applicant plans to install five (5) building-mounted lights at a height of 12 feet, four
209 on the Phase 1 building and three on the Phase 2 building. The lighting plan generally
210 conforms to the requirements of ZR Section 5.6(G). All fixtures will be LED-powered,
211 fully cut-off, and would be equipped with a motion-sensor device that dims output to
212 10% at night unless movement is detected. Lighting levels would have a maximum of 4.0
213 foot-candles and produce no light trespass above 0.2 foot-candles five feet beyond the
214 property lines.

215 However, the uniformity ratio (average to minimum) would be 7.2, which is above the
216 target of 5 as stated in ZR Section 5.6(G)(3). In addition, the proposed lighting would not
217 adequately illuminate the main parking area southeast of Building 1, nor would it the
218 spaces northwest of Building 2. Additional pole-mounted lights on the southeast portion
219 of the site and an additional building-mounted light on the northwest side of Building 2
220 would provide better coverage and uniformity, improving safety and convenience while
221 deterring criminal activity.

222 **(H) ZR Section 5.6(H), Utilities and Services**

223 **1. Water Supply and Sewage Disposal**

224 In a memorandum dated October 28, 2019, Public Works staff stated:

225 *The applicant's engineer has stated that there will be 15 employees maximum*
226 *between the two structures to be located at 17 Corporate Drive. Table 10.12.380 of*
227 *the Town's Water Use Ordinance lists manufacturing / warehousing buildings as*
228 *having a domestic water and sewer demand of 15 GPD per employee. Staff calculates*
229 *the water and sewage use for the proposed manufacturing / warehousing building as*
230 *follows:*

231 $(15 \text{ Employees}) \times 15 \text{ GPD} / \text{Employee} = \underline{\underline{225 \text{ GPD}}}$

232 *The sewer and water connection fees are provided below. In addition, if the fee*
233 *schedule changes, then the fee charged shall be the fee in effect at the time of the*
234 *submittal for a building permit.*

235 a. Water: $225 \text{ GPD} \times \$5.73/\text{gallon} + \$1000 = \$2,289.25$
236 b. Sewer: $225 \text{ GPD} \times \$10.30/\text{gallon} + \$1000 = \underline{\underline{\$3,317.50}}$
237 c. Total = $\underline{\underline{\$5,606.75}}$

238 *Recent hydrant flow testing confirms that there is adequate domestic water pressure*
239 *for the proposed building.*

240 Public Works provided several other requirements that are listed in the conditions of
241 approval.

242 **2. Stormwater Management**

243 The applicant's engineer described the stormwater system in the project narrative
244 dated October 1, 2019:

245 *The stormwater created by the proposed project will be collected by perimeter*
246 *swales on-site and routed to the existing stormwater pond located on lot 13. The*
247 *existing stormwater pond has been designed and permitted to treat the*
248 *stormwater runoff from the future development of Corporate Drive Phase II.*

249 Each site plan application on Corporate Drive must demonstrate that the pond has
250 capacity to support the additional stormwater demand. The applicant will apply for a
251 State stormwater permit amendment, but will not require a State General Permit for

252 Construction 3-9020 because the area of disturbance is less than 1 acre. However, the
253 applicant still must follow the Town’s Small Site Erosion Control Guide, and
254 appropriate erosion controls are shown on Plan Sheet 6.

255 In a memorandum dated October 28, 2019, Public Works staff required that the
256 applicant’s engineer verify that the area of disturbance will be less than 1 acre upon
257 application for a building permit; if it is greater, a state General Permit for
258 Construction 3-9020 shall be required.

259 **3. Utilities**

260 Corporate Drive has existing overhead power lines, as well as water and sewer stub
261 connections. Natural gas will be tapped along the existing line running under
262 Corporate Drive. All utility service lines to the site will be installed underground.

263 **(I) ZR Section 5.6(I), Fire Protection**

264 As noted above, site circulation will accommodate access by emergency vehicles. The
265 nearest hydrant is located across Corporate Drive near the curb cut for Lot 18,
266 approximately 150 feet from Building 1 and 370 feet from Building 2.

267 As stated by Public Works staff in their memorandum dated October 28, 2019, Sheet 5 of
268 the plans shows a sprinkler connection detail, but the applicant has not demonstrated that
269 there will be adequate fire flow for the building; this must be provided prior to issuance
270 of a building permit.

271 In an e-mail dated August 2, 2019, the Fire Chief noted that if the building is equipped
272 with a sprinkler system, the Fire Department Connection (FDC) must be located on
273 façades of the buildings that face parking areas so that there is pavement underneath the
274 FDC. In an e-mail dated October 15, 2019, the Police Chief also requested that any
275 elevators be set up to ring to an elevator monitoring company who would notify police of
276 problems, and that any alarms installed in the building be registered with the Police
277 Department and a monitoring company.

278 In addition to the life safety considerations noted in Finding I(C), the Fire Captain also
279 required that the applicant install a key box for emergency access, and that the applicant
280 secure all necessary permits from the Vermont Department of Fire and Life Safety.

281 **II. Planning Commission Comments**

282 While reviewing the project on November 14, 2019, the Planning Commission commented:

- 283
- 284 • “The Commission supports a waiver to clear the 50 ft. buffer along Corporate Drive in
285 order to replace the fragmented buffer with street trees similar to Corporate Drive lots 13,
286 14, 16, 18, and 20. The objective is to maintain a consistent appearance throughout
287 Corporate Drive. There will be no structures built within the 50 ft. buffer area.”

288

289 **III. Proposed Conditions**

- 290 1. All conditions from previous approvals shall remain in effect except as modified herein.
- 291 2. All construction shall be in conformance with the plans listed above as may be amended
292 herein.
- 293 3. An electronic copy of the plans as may have been revised shall be submitted to the E911
294 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or shapefile
295 in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively, coordinated
296 CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83
297 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing three (3) values of
298 State Plane Coordinates.
- 299 4. Prior to the issuance of a zoning permit, the applicant shall pay any traffic fees as assessed by
300 Public Works.
- 301 5. Prior to the issuance of a zoning permit, the applicant shall pay water fees (\$2,289.25) and
302 sewer fees (\$3,317.50) totaling \$5,606.75, or the fees in place at the time of submittal, or if a
303 different use occupies the building.
- 304 6. Prior to the issuance of a zoning permit, the applicant shall provide a full accounting of the
305 total water and sewer allocation currently approved for all approved lots along Corporate
306 Drive, as well as the total allocation remaining for future lots.
- 307 7. Prior to the issuance of a zoning permit, the applicant shall provide fire demand calculations
308 if fire suppression systems are to be used in the building.
- 309 8. Prior to the issuance of a zoning permit, the applicant shall obtain any and all applicable state
310 approvals and permits and shall submit copies to the Community Development Department
311 for review.
- 312 9. Prior to the issuance of a zoning permit, the applicant shall verify that project will disturb
313 less than one (1) acre of soil. If the area of disturbance for construction on this site is greater
314 than one (1) acre, General Permit for Construction 3-9020 will be required, and a copy of the
315 permit shall be submitted to Public Works prior to the start of construction.
- 316 10. Prior to the issuance of a zoning permit, the applicant shall submit to Public Works
317 calculations that the existing storm water pond located on Corporate Drive Lot 13 has been
318 designed to accommodate the additional storm water runoff generated by this project.
- 319 11. The applicant must follow the Town's *Small Site Erosion Control Guide* during construction.
- 320 12. All utility lines shall be installed underground.
- 321 13. All water, sewer, and storm water infrastructure shall be installed in accordance with the
322 specifications and details provided within the *Town of Essex Standard Specifications for*
323 *Construction*.
- 324 14. The Town of Essex shall maintain the water service valve located at the edge of the right-of-
325 way; the landowner shall be responsible for maintaining all other service valves.

- 326 15. The proposed building shall be metered and billed off one meter. The applicant's engineer
327 shall provide peak domestic water demand calculations, based on the number of fixture units,
328 for properly sizing the water meter for the proposed building. The Town of Essex will not
329 size the meter based on line pressure in the building.
- 330 16. The applicant's engineer shall supply an accurate fixture unit count of the proposed facility to
331 properly size the water meter. Furthermore, the applicant's engineer shall work with the
332 Town of Essex Water and Sewer Department and the Champlain Water District on properly
333 sizing any fire suppression systems to be designed into the approved building.
- 334 17. Any Fire Department Sprinkler / Standpipe Connections shall be located on building façades
335 facing the parking areas.
- 336 18. No occupancy of the structure shall occur until a certificate of occupancy inspection and sign
337 off is issued by the Zoning Administrator. A copy of the State's occupancy approval shall be
338 filed and attached to the Town's inspection approval.
- 339 19. Prior to the issuance of a Certificate of Occupancy, the applicant shall install an exterior key
340 box to provide access for emergency personnel, to be obtained from the Fire Department.
341 Also, the building address, gas service, and entries for sprinkler, FDC, and electrical services
342 shall be clearly marked in reflective material at a height of ten (10) feet above finished grade.
- 343 20. The access drive running from Corporate Drive northeast and turning northwest through the
344 parking areas shall be marked as a fire lane. The applicant shall ensure that the pavement
345 markings are clearly visible and that the access remains unobstructed for a width of 20 feet
346 and a height of 13 feet 6 inches at all times.
- 347 21. All landscaping shall be guaranteed for the life of the project. Any dead or diseased plantings
348 shall be replaced as soon as seasonally possible.
- 349 22. By accepting the conditions of this approval without appeal, the applicant confirms and
350 agrees for itself and all assigns and successors in interest that the conditions of this approval
351 shall run with the land and the land uses herein permitted, and will be binding upon and
352 enforceable against the applicant and all assigns and successors in interest.

353 **IV. Attachments**

- 354 • Project Narrative, "Site Plan Application, 17 Corporate Drive, Essex Junction, VT," from
355 Bryan Currier, P.E., O'Leary Burke Civil Associates, PLC, dated 10/01/2019.

356 cc: Shawn Cunningham, P.E., O'Leary-Burke Civil Associates, PLC
357 Dzemail Dzanko, Astor, LLC
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