

1 **ESSEX PLANNING COMMISSION**

2 **March 26, 2020**

3 **STAFF REPORT – 3 & 10 Commonwealth Avenue (Buildings G & H1) & 10 Carmichael**  
4 **Street (Building H)**

5 **Conceptual Review**

6 Prepared by Darren Schibler, Town Planner

7 **Summary**

8 In general, the separation of Building G&H into three smaller buildings, as well as the  
9 inclusion of ground-floor commercial space, are vast improvements on previous iterations of this  
10 proposal. However, the design fails to consider the site’s importance as a major intersection in  
11 the Town Center by not enhancing the pedestrian experience with wide sidewalks, landscaping,  
12 prominent entrances, and a functional public realm. Architecturally, the buildings borrow  
13 architectural elements from nearby buildings in an attempt to create cohesion, but by mixing too  
14 many disparate styles, they fail to achieve an internally consistent aesthetic. At the same time,  
15 the uniform repetition of these elements across the three buildings makes them all less  
16 distinctive, de-emphasizing the importance of the street corner. Finally, the master plan for the  
17 property as well as the site’s prime location for business demand a greater focus on commercial  
18 space instead of residential for this development.

19 **I. Applicant**

20 HDI Real Estate, Inc. (c/o Rick Bove)  
21 218 Overlake Drive  
22 Essex, VT 05446

23 **II. Proposal**

24 The applicant has proposed a change to the master plan for the Town Center property at 77  
25 Upper Main Street in the Mixed-Use Commercial (MXD-C) district, tax map 91, parcel 1, which  
26 is approved as a mixed-use planned unit development (PUD-MU). The applicant has requested  
27 conceptual review of the revised master plan as well as architectural renderings of the proposed  
28 buildings G, H, and H1.

29 The proposal involves three buildings (labeled G, H, and H1 on the master plan), each of  
30 which would be three stories totaling 63,705 square feet (SF) of floor area, 6,000 of which would  
31 be dedicated to commercial space with the remainder distributed among 52 one- and two-  
32 bedroom apartments. The proposal also involves numerous utility improvements and the  
33 completion of Carmichael Street and the northernmost section of Commonwealth Avenue,  
34 including sidewalks and a total of 86 on-street parking spaces. In addition, Buildings G, H, and  
35 H1 would have access to 31 off-street surface parking spaces and 28 underground spaces within  
36 Building H.

37

38 **III. Background**

39 In 1991 the Town adopted a Town Center Master Plan. The new center was to include  
40 “higher density and mixed use buildings (offering) a variety of housing types within close  
41 proximity to shops, services, community facilities and places of work. Integrated street networks  
42 provide a framework for development and address traffic circulation requirements. At the same  
43 time the Plan promotes pedestrian circulation and public transit as an alternative to automobiles.”

44 On May 15, 1997, the Planning Commission granted master plan approval for the Essex  
45 Town Center (currently addressed as 77 Upper Main Street).

46 The original master plan included a 25 percent density bonus for residential development,  
47 allowing up to 112 units on the property in exchange for streetscape and recreational facilities  
48 (including the bike path and the tot lot) as well as provision of permanently affordable housing  
49 units at 25% of the total. The MXD-C district standards require between 600 and 1,500 square  
50 feet of commercial space per residential unit; with 112 residential units, the master plan  
51 accommodates between 67,200 and 168,565 square feet of commercial space.

52 The original master plan also featured 14-foot-wide sidewalks on each side of “Main Street”  
53 and the extension of Old Stage Road (now Carmichael Street and Commonwealth Avenue,  
54 respectively), with a minimum of 92 feet between buildings on opposite sides of the streets. To  
55 support and promote pedestrian traffic, the master plan approval noted, “Pedestrian connections  
56 between the rear parking lots and the streets need to be clearly distinguished from their  
57 surroundings and obvious to pedestrians on either end... The walkways should be well lit,  
58 landscaped, sufficiently wide.”

59 Originally, Building G and Building H were proposed as separate, mixed-use buildings.  
60 Building G was designed with two stories and a 5,500-square-foot footprint; one floor was to  
61 have commercial space, the other floor residential. Building H had three stories and a 14,400-  
62 square-foot footprint, with 28,800 square feet reserved for commercial space and 14,400 square  
63 feet for residential use. Building H was proposed as part of Phase 2 of the Town Center  
64 development, and Building G was to be included in Phase 3. The development schedule has not  
65 progressed as expected in the 18 years since the approval of the master plan, and subsequent  
66 master plan amendments have modified the phasing schedule.

67 In February 2015 the applicant appeared before the Planning Commission seeking site plan  
68 approval and a master plan amendment to construct Building G&H and Building X. Building  
69 G&H was proposed as a three-story building with a 22,400-square-foot footprint, containing 49  
70 market-rate apartments and 10,000 square feet of commercial space. Building X was proposed as  
71 a two-story building with 4,300 square feet of ground-floor commercial space and four  
72 apartments. The Planning Commission continued the hearing, and the applicant subsequently  
73 withdrew the application.

74 In May 2015, the Zoning Board of Adjustment gave conditional use approval for up to 56  
75 congregate care units in Building G&H.

76 In October 2015, the Planning Commission approved a master plan update and site plan for  
77 Building G&H, which included 56 congregate care units and 4,000 square feet of commercial  
78 space in a three-story building with a 22,400 square foot footprint. The approval included  
79 waivers allowing the structure to exceed 10,000 square feet per floor, and to exceed the 40-foot  
80 height limit. The height waiver allowed a maximum roof line of 50 feet above grade and a single  
81 cupola that was not to extend more than 12 feet above the roof line.

82 On March 10, 2016, the Planning Commission approved a site plan and master plan  
83 amendment that reduced the size of the building by removing Building G. The resulting design  
84 for Building H included a 17,240-square-foot footprint and 48 congregate units.

85 On February 23, 2017, the Planning Commission approved a site plan and master plan  
86 amendment for Building H to convert the 48 congregate care units to 34 market-rate units. The  
87 site plan approval expired on February 24, 2019, but the Master Plan is still in effect. The  
88 applicant filed site plan amendment applications in April of 2018 and 2019 but withdrew each  
89 prior to the Planning Commission hearing.

#### 90 **IV. Article II of the *Subdivision Regulations*: Subdivision Procedures**

91 The applicant has requested a conceptual discussion pursuant to Section 2.3(A) of the *Town of*  
92 *Essex Outside the Village of Essex Junction Official Subdivision Regulations*. Conceptual  
93 discussions are an informal exchange of ideas to explore possible concepts for a site, and are  
94 non-binding. However, since the applicant has provided some details of the proposal in advance,  
95 staff have prepared a review of the plans against the property's master plan, last amended  
96 February 23, 2017, as well as the standards of the Business-Design Control Overlay District,  
97 which relates to architecture and layout, among other elements.

98 The applicant has submitted the following plans:

- 99 • Sheet M: "Master Plan, Essex Town Center, Essex, Vermont," by O'Leary-Burke  
100 Civil Associates, PLC, dated 03/21/2001, last revised 01/28/2020.
- 101 • Plan Sheet #1, "Site Plan, Building H, Carmichael St., Commonwealth Ave., Essex  
102 Town Center, Essex, Vermont," prepared by O'Leary-Burke Civil Associates, PLC,  
103 dated 12/1/14, last revised 01/22/2020;
- 104 • Un-numbered Sheet 1, northwesterly view, "Building Perspective, Essex Town  
105 Center Lots G+H," prepared by Scott & Partners Architecture, Inc., dated 12/06/2019
- 106 • Un-numbered Sheet 2, southwesterly view, "Building Perspective, Essex Town  
107 Center Lots G+H," prepared by Scott & Partners Architecture, Inc., dated 12/06/2019.

#### 108 **V. Article II, Table 2.16 of the Zoning Regulations: Business-Design** 109 **Control Overlay District**

##### 110 **(A) ZR Table 2.16(A): Purpose and Goals**

111 The purpose of the B-DC is to create a coordinated visual appearance for the Essex  
112 Center area and applies all uses other than single-unit dwellings, two-unit dwellings,  
113

114 accessory dwellings, and agricultural uses. Development should follow the  
115 recommendations in the *Historic Preservation and Design Control Standards for Essex*  
116 *Center and Fort Ethan Allen (1986)* report, as well as the district goals and design  
117 objectives in ZR Table 2.16(A), which include:

- 118 1. Maintain and Improve Economic Vitality;
- 119 2. Preserve and Enhance Visual Qualities;
- 120 3. Protect Historical, Architectural, and Cultural Heritage;
- 121 4. Encourage Pedestrian Friendly Environment;
- 122 5. Encourage Coordination and Harmony.

123 Subsection (F) of this table also requires properties within the MXD-C district to follow  
124 guidance in the 1991 Town Center Master Plan (TCMP). The Planning Commission is  
125 currently reviewing an update to the TCMP called the Essex Town Center – Next Plan  
126 (ETC|NEXT), which should also be considered in this review.

### 127 **1. Maintain and Improve Economic Vitality**

128 Economic growth tends to cluster around existing successful businesses by  
129 encouraging competition and capturing potential customers from passers-by. The  
130 clustering of commercial spaces, supported by higher densities of residential  
131 development nearby, creates “a lively community center with a mixture of  
132 commercial uses, apartments, and civic buildings” (1991 TCMP).

133 However, the applicant’s proposal discourages economic activity not only on the site,  
134 but for the entire Town Center. By providing only a small amount of commercial  
135 space on this prominent street corner, the possibility of future commercial activity on  
136 this corner is severely limited. This would destabilize the value of commercial sites  
137 on nearby streets that depend on an attractive main gateway to the mixed-use district,  
138 as well as undermine the decades of planning to create a livable, walkable, and  
139 vibrant center at this intersection.

### 140 **2. Preserve and Enhance Visual Qualities**

141 Though not formally or specifically defined, past discussions around the visual  
142 quality of the Town Center have frequently referred to the need to retain a pastoral  
143 and historic aesthetic, with buildings reflecting the area’s history as a farm and open  
144 spaces to preserve views of nearby meadows and distant mountains. However, many  
145 have also called for Essex to distinguish itself from other Vermont communities.

146 Architectural character is evaluated in Finding V(A)(3) below. In terms of  
147 maintaining views, though buildings in the mixed-use areas should be sited close to  
148 the street to provide integration with the public realm, the open expanses of the  
149 primary streets (Carmichael and Commonwealth) provide views to other parts of the  
150 Center and mountains beyond. Previous iterations of Building H showed a cut-off  
151 corner that helped preserve views of Camel’s Hump and Mt. Ellen from VT-15 and

152 Commonwealth Ave. The previous design, combined with wider sidewalks, would  
153 maintain better visual compatibility as well as open spaces and views.

154 **3. Protect Historical, Architectural, and Cultural Heritage**

155 New buildings in the Town Center should maintain and enhance the existing  
156 architectural character of the area (based on the 1986 design control standards) to  
157 provide a sense of place. In addition, buildings on prominent street corners at the  
158 main gateway to the mixed-use area should “be designed to reflect their significance  
159 as focal points within the center (1991 TCMP).

160 Though the proposed buildings incorporate elements of other nearby buildings, the  
161 façade appearance is exactly uniform around the entire corner, rather than separate  
162 buildings with unifying features, which fails to break up the mass of the buildings as  
163 recommended in the ETC|NEXT Design Guide. The buildings lack any sort of angled  
164 roofline, and the effect of the molded roofline is disrupted by the short pediments.  
165 Also, though the ground floor and parts of the upper floors show the use of traditional  
166 or equivalent façade materials found on nearby buildings (brick and horizontal  
167 clapboard siding), approximately 50% of the upper stories utilize modern materials  
168 and irregular assembly patterns that are internally inconsistent.

169 Given the above, the proposed buildings conflict with the Essex Center design  
170 guidelines and are not distinctive enough to contribute to a sense of place.

171 **4. Encourage a Pedestrian Friendly Environment**

172 The exteriors of the ground-level residential spaces in Buildings G and H1 integrate  
173 poorly with the streetscape. The proposal does not follow recommendations in the  
174 ETC|NEXT Design Guide to create regularly-spaced building entrances along  
175 primary streets. Instead, only windows are provided at street level, reducing the  
176 privacy of those units and encouraging residents to keep curtains drawn at all times  
177 due to the high volume of pedestrian and vehicular traffic in the future. These  
178 conditions discourage community self-awareness and cohesion and reinforce the  
179 recommendation that ground-floor residential should only be allowed in exclusively  
180 residential buildings, and that shopfronts, galleries, arcades, and forecourts should be  
181 used to provide a transition from the public realm.

182 The project does meet design requirement 4(a) by locating parking to the rear of the  
183 buildings (except for on-street parking); however, there is minimal space dedicated to  
184 landscaping or non-paved space that would enhance the parking areas. There are also  
185 no civic spaces planned for the buildings themselves, and the applicant has repeatedly  
186 delayed construction of the planned public green across the street to future phases.

187 **5. Encourage Coordination and Harmony**

188 By utilizing uniform façade materials and designs across the three buildings without  
189 changes in roofline, setbacks, or frontage types, as a whole the project appears large  
190

191 in scale and mass and out of context with adjacent buildings. Furthermore, the narrow  
 192 sidewalks along the frontages are inconsistent with adjacent development and would  
 193 discourage use by pedestrians, and the paths between the buildings serve only to  
 194 provide access instead of creating additional functional public spaces that would  
 195 create community cohesion.

196 **(B) ZR Table 2.16(B): General Provisions**

197 As an overlay district, the B-DC imposes requirements in addition to those of the  
 198 underlying zoning district in which the development is located. This project is located in  
 199 the Mixed Use Development-Commercial (MXD-C) District and within the Business-  
 200 Design Control (B-DC) Overlay District and must conform to the standards listed in  
 201 Table 2.12 and Table 2.16 of the *Zoning Regulations*.

202 **6. Table 2.12, Mixed Use Development-Commercial (MXD-C) District**

203 **(a) Purpose**

204 The proposal somewhat reflects the purpose of the MXD-C district in facilitating  
 205 the development of a mixed-use center with high-density residential; however, it  
 206 does not encourage a broad range of commercial uses or a compact, pedestrian-  
 207 friendly environment.

208 **(b) Permitted Uses**

209 Multi-family dwellings and professional offices are permitted uses in the MXD-C  
 210 district.

211 **(c) District Dimensional Requirements**

212 The table below compares the proposal against the Dimensional Requirements of  
 213 the MXD-C district, Table 2.12(D). Bolded elements do not conform to the  
 214 dimensional requirements.

<b>Dimensional Requirements</b>	<b>Required</b>	<b>Proposed</b>
<b>Minimum Lot Area</b>	<b>7,000 SF</b>	<b>*5,492 SF</b>
<b>Minimum Lot Area / Dwelling (entire PUD)</b>	<b>**5,643 SF</b>	<b>4,389 SF</b>
Minimum Lot Frontage	50 ft.	*85 ft.
Minimum Front Setback (from ROW) – VT-15	75 ft.	n/a
<b>Minimum Front Setback (from Travel Way) – “Main Street” (aka Carmichael Street)</b>	<b>42 ft.</b>	<b>25 ft.</b>
<b>Minimum Front Setback (from Travel Way) – Other Streets</b>	<b>36 ft.</b>	<b>26 ft.</b>
Minimum Side Setback	None	n/a
Minimum Rear Setback	None	n/a
Maximum Building Area / Floor – Commercial	10,000 SF	n/a

<b>Dimensional Requirements</b>	<b>Required</b>	<b>Proposed</b>
<b>Maximum Building Area / Floor – Mixed-Use</b>	<b>10,000 SF</b>	<b>10,334 SF</b>
Maximum Building Area / Floor – Residential	8,000 SF	5,492 SF
Maximum Lot Coverage (entire PUD-MU)	70%	54.1%
<b>Maximum Height</b>	<b>40 ft.</b>	<b>unknown</b>

215 \*Calculated for the footprint lots      \*\*After adjustments per PUD-MU requirements

216            The proposed footprint lots would not meet minimum lot area requirements.  
 217            Furthermore, footprint lots may only be created as part of multifamily townhouse  
 218            developments in residential planned unit developments (PUD-Rs) pursuant to ZR  
 219            Section 6.8(G)(5). However, the Planning Commission has issued numerous  
 220            approvals allowing creation of footprint lots for buildings within the Town  
 221            Center.

222            The proposed buildings also do not meet setback requirements for the MXD-C,  
 223            which are measured from the traveled way of streets instead of property lines. If  
 224            the buildings were relocated beyond the setback distances, the additional space  
 225            could be used for wider sidewalks, landscaping and stormwater features, and  
 226            frontage elements such as arcades and galleries.

227            The footprint of Building H slightly exceeds the maximum building area per  
 228            floor. Pursuant to ZR Section 6.7(G), the Planning Commission may approve a  
 229            small number of uses that exceed this requirement provided that they are  
 230            permitted within the MXD-C and the structure conveys the visual image of small  
 231            establishments. As designed currently, the building does not convey the image of  
 232            small establishments.

233            **(d) PUD Requirements**

234            This site is subject to an approved master plan for a phased mixed-use planned  
 235            unit development (PUD-MU), last amended February 23, 2017.

236            Under the normal density requirements for the MXD-C (7,000 sf. per dwelling  
 237            unit), the maximum number of dwelling units for the property would be 98.37,  
 238            rounded down to 98, resulting in 7,026 SF per dwelling. With a 25% density  
 239            bonus approved for the project under the original 1997 master plan approval, the  
 240            maximum number of dwelling units is 122.95, rounded down to 122, resulting in  
 241            5,643 SF per dwelling.

242            Including the recent approval to add three additional dwellings to Building I,  
 243            approval of Buildings G, H, and H1 would bring the total number of dwelling  
 244            units on the property to 128 (5,384 SF per dwelling). This exceeds the maximum  
 245            allowed density for the PUD considering all adjustments and bonuses;  
 246            furthermore, the number of units planned for future phases (157) exceeds the  
 247            maximum and would result in 4,390 SF per dwelling. Under current regulations,  
 248            at minimum the applicant must reduce the number of proposed dwellings in the  
 249            proposed buildings and amend the master plan to ensure conformity with the

250 allowed density in future phases. This means that all future buildings on the  
251 property would be exclusively commercial, and would fail to achieve the Town's  
252 desired mixed-use environment.

253 Furthermore, per ZR Section 6.7(E), the net residential density on a single parcel  
254 or block may not exceed 10 units per acre unless they front on "Main Street"  
255 (now named Carmichael Street). Because the parcel has been divided into  
256 footprint lots rather than conventional land lots, it is impossible to evaluate  
257 density accurately on a parcel basis. However, on a block basis, the current  
258 proposal exceeds the allowed density of 12 units per acre (106 units / ~6.5 acres =  
259 16 units per acre) for the northwestern block of the applicant's property (bounded  
260 by VT-15 to the north, Billie Butler Drive to the west, Carmichael Street to the  
261 south, and Commonwealth Avenue to the east). Under this requirement, the  
262 remaining Buildings G, H, and H1 could accommodate a maximum of only 24  
263 additional dwellings, rather than the 52 proposed.

264 **(e) District Development Standards**

265 Development in this district must reflect the general guidelines of the *Town*  
266 *Center Master Plan (1991)*, which is evaluated above in review of the B-DC  
267 standards. The proposal meets other requirements specific to the MXD-C,  
268 including the use of shared parking areas and the floor area ratio of residential to  
269 commercial uses, at least as projected for future phases. However, construction of  
270 Buildings G, H, and H1 as proposed would make the current area of commercial  
271 space below what is required under the standard. Given the applicant's apparent  
272 difficulty in securing tenants for commercial space, it is unlikely that the current  
273 market would support the resulting amount of commercial development for the  
274 remaining lands.

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276 G:\PC\REPORTS\Carmichael St 10 & Commonwealth Ave 3 (Bldg G, H, H1) Conceptual 20200409.docx