ESSEX PLANNING COMMISSION

November 14, 2019

STAFF REPORT – 17 CORPORATE DRIVE

Site Plan Review

Prepared by Darren Schibler, Town Planner

Applicant

Astor, LLC
C/o Dzemal Dzanko
PO Box 211
Essex Junction, VT 05453

Proposal

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

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

Background

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

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

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

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

The community stormwater pond for Phase II, located on Lot 13, was upgraded following an August 2014 site plan approval for development on that lot.
I. Article V, Section 5.6 of the Zoning Regulations: Site Plan Review

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

The applicant has submitted the following plans:

- Plan Sheet #1, “100-Scale Overall Plan, Saxon Hill Industrial Park – Lot #17, Corporate Drive, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 09/23/2019;
- Plan Sheet #2, “Site Plan, Saxon Hill Industrial Park – Lot #17, Corporate Drive, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 09/23/2019;
- Plan Sheet #4, “Road + Storm Details, Saxon Hill Industrial Park – Lot #17, Corporate Drive, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 09/23/2019;

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

1. Conformance with the Essex Town Plan

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

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

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

**Specific Policy 2(S).2:** The retention and expansion of businesses at existing industrial and commercial sites shall be supported...
2. Dimensional limitations and provisions of the Zoning Regulations

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

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

i. Purpose

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

ii. Permitted Uses

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

iii. District Dimensional Requirements

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

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

iv. District Development Standards

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

3. Protection of public health, safety, and welfare

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

4. Outstanding violations

The property does not have any outstanding zoning violations.
ZR Section 5.6 (B), Natural features

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

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

1. Topography

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

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

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

2. Steep Slopes

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

3. Surface Waters and Wetlands

The property does not contain any surface waters or wetlands.

4. Renewable Energy

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

5. Open Space

The site does not contain any open meadows. The RPD-I’s 200-foot buffer, which runs along the southwestern boundary of the property, will remain forested and open to the public via an existing trail.
Site Plan
17 Corporate Drive
November 14, 2019

(C) ZR Section 5.6 (C), Access

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

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

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

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

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

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

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

(E) ZR Section 5.6(E), Parking

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

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

The parking ratio for manufacturing and warehouse buildings is 1 space per 400 square feet of floor area, or 2 spaces for every 3 employees. With a total of 16,800 square feet of floor area and 15 employees maximum, the required number of spaces would be 42 spaces by floor area or 10 spaces by employees. The plans show 36 spaces, 4 of which would be van-accessible by ADA standards. This exceeds the minimum requirement
based on employees, and is an acceptable modification of the requirement based on floor area given the proximity of a sidewalk and provision of bicycle parking. Further reduction in the number of parking spaces may be warranted upon application for Phase 2 of the project (the rear, 7,200-square-foot building) based on actual parking demand demonstrated after Phase 1 is complete and in use.

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

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

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

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

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

(G) ZR Section 5.6(G), Lighting

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

The applicant plans to install five (5) building-mounted lights at a height of 12 feet, four on the Phase 1 building and three on the Phase 2 building. The lighting plan generally conforms to the requirements of ZR Section 5.6(G). All fixtures will be LED-powered, fully cut-off, and would be equipped with a motion-sensor device that dims output to 10% at night unless movement is detected. Lighting levels would have a maximum of 4.0 foot-candles and produce no light trespass above 0.2 foot-candles five feet beyond the property lines.
However, the uniformity ratio (average to minimum) would be 7.2, which is above the target of 5 as stated in ZR Section 5.6(G)(3). In addition, the proposed lighting would not adequately illuminate the main parking area southeast of Building 1, nor would it the spaces northwest of Building 2. Additional pole-mounted lights on the southeast portion of the site and an additional building-mounted light on the northwest side of Building 2 would provide better coverage and uniformity, improving safety and convenience while deterring criminal activity.

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

1. Water Supply and Sewage Disposal

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

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

(15 Employees) X 15 GPD / Employee = 225 GPD

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

a. Water: 225 GPD X $5.73/gallon + $1000 = $2,289.25
b. Sewer: 225 GPD X $10.30/gallon + $1000 = $3,317.50
c. Total = $5,606.75

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

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

2. Stormwater Management

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

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

Each site plan application on Corporate Drive must demonstrate that the pond has capacity to support the additional stormwater demand. The applicant will apply for a State stormwater permit amendment, but will not require a State General Permit for
Construction 3-9020 because the area of disturbance is less than 1 acre. However, the applicant still must follow the Town’s Small Site Erosion Control Guide, and appropriate erosion controls are shown on Plan Sheet 6.

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

3. Utilities

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

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

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

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

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

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

II. Planning Commission Comments

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

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

1. All conditions from previous approvals shall remain in effect except as modified herein.

2. All construction shall be in conformance with the plans listed above as may be amended herein.

3. An electronic copy of the plans as may have been revised shall be submitted to the E911 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or shapefile in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively, coordinated CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing three (3) values of State Plane Coordinates.

4. Prior to the issuance of a zoning permit, the applicant shall pay any traffic fees as assessed by Public Works.

5. Prior to the issuance of a zoning permit, the applicant shall pay water fees ($2,289.25) and sewer fees ($3,317.50) totaling $5,606.75, or the fees in place at the time of submittal, or if a different use occupies the building.

6. Prior to the issuance of a zoning permit, the applicant shall provide a full accounting of the total water and sewer allocation currently approved for all approved lots along Corporate Drive, as well as the total allocation remaining for future lots.

7. Prior to the issuance of a zoning permit, the applicant shall provide fire demand calculations if fire suppression systems are to be used in the building.

8. Prior to the issuance of a zoning permit, the applicant shall obtain any and all applicable state approvals and permits and shall submit copies to the Community Development Department for review.

9. Prior to the issuance of a zoning permit, the applicant shall verify that project will disturb less than one (1) acre of soil. If the area of disturbance for construction on this site is greater than one (1) acre, General Permit for Construction 3-9020 will be required, and a copy of the permit shall be submitted to Public Works prior to the start of construction.

10. Prior to the issuance of a zoning permit, the applicant shall submit to Public Works calculations that the existing storm water pond located on Corporate Drive Lot 13 has been designed to accommodate the additional storm water runoff generated by this project.

11. The applicant must follow the Town’s Small Site Erosion Control Guide during construction.

12. All utility lines shall be installed underground.

13. All water, sewer, and storm water infrastructure shall be installed in accordance with the specifications and details provided within the Town of Essex Standard Specifications for Construction.

14. The Town of Essex shall maintain the water service valve located at the edge of the right-of-way; the landowner shall be responsible for maintaining all other service valves.
15. The proposed building shall be metered and billed off one meter. The applicant’s engineer shall provide peak domestic water demand calculations, based on the number of fixture units, for properly sizing the water meter for the proposed building. The Town of Essex will not size the meter based on line pressure in the building.

16. The applicant’s engineer shall supply an accurate fixture unit count of the proposed facility to properly size the water meter. Furthermore, the applicant’s engineer shall work with the Town of Essex Water and Sewer Department and the Champlain Water District on properly sizing any fire suppression systems to be designed into the approved building.

17. Any Fire Department Sprinkler / Standpipe Connections shall be located on building façades facing the parking areas.

18. No occupancy of the structure shall occur until a certificate of occupancy inspection and sign off is issued by the Zoning Administrator. A copy of the State’s occupancy approval shall be filed and attached to the Town’s inspection approval.

19. Prior to the issuance of a Certificate of Occupancy, the applicant shall install an exterior key box to provide access for emergency personnel, to be obtained from the Fire Department. Also, the building address, gas service, and entries for sprinkler, FDC, and electrical services shall be clearly marked in reflective material at a height of ten (10) feet above finished grade.

20. The access drive running from Corporate Drive northeast and turning northwest through the parking areas shall be marked as a fire lane. The applicant shall ensure that the pavement markings are clearly visible and that the access remains unobstructed for a width of 20 feet and a height of 13 feet 6 inches at all times.

21. All landscaping shall be guaranteed for the life of the project. Any dead or diseased plantings shall be replaced as soon as seasonally possible.

22. By accepting the conditions of this approval without appeal, the applicant confirms and agrees for itself and all assigns and successors in interest that the conditions of this approval shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the applicant and all assigns and successors in interest.

IV. Attachments


cc: Shawn Cunningham, P.E., O’Leary-Burke Civil Associates, PLC
Dzemal Dzanko, Astor, LLC

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