Proposal: The applicants are proposing to operate a ‘Light Manufacturing’ business, in the form of a coffee roasting, located at 19 Essex Way, Suite 408. Currently, the space is vacant.

Background: This is one of five buildings in the Essex Outlet Mall. The landowner is repurposing the area from a shopping center to an entertainment area, including music, gallery, theater, restaurants, health store, brewery, distillery, etc.

PROPOSED FINDINGS:

1) The landowner is E O F Outlets, LLC, c/o Peter Edelmann. The property is located at 19 Essex Way, Essex Town, Chittenden County, and State of Vermont.

2) The property is located in the Mixed Use Development-Planned Unit Development (MXD-PUD), Subzone Retail-Business (B1) and in the Business Design Control (B-DC) Overlay District. It is a conforming lot.

3) The applicant submitted an application to operate 'Light Manufacturing', which is defined as follows:

   **Light Manufacturing:** The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light Manufacturing includes the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographical plates, type composition, machine tools, dies and gages; ceramics; apparel; lightweight non-ferrous metal products; plastic goods; pharmaceutical goods; and food products, but not animal slaughtering, curing, nor rendering of fats.

4) The proposal is to convert approximately 5,314 sq. ft. of 40,900 existing retail space in Building 4, into a coffee roasting use, with 5 employees. The existing 5,314 sq. ft retail space has a waste water allocation of 266 gpd. No seating is proposed as part of this application. The proposed use with 5 employees will require 75 gpd of wastewater. Future plans will likely include a coffee bar and a wine bar. This would require a Use Permit issued by the Zoning Administrator.

5) The applicant submitted the following plan:

   “ESSEX SHOPPES and CINEMA, Essex, VT OVERALL PLAN”, as drawn by O’Leary-
Burke Civil Associates, PLC and dated 4/10/19.

6) The application is being reviewed under the Town of Essex Outside the Village of Essex Junction Official Zoning Regulations, Article V, Section 5.7 Conditional Use.

7) Pursuant to state statute a ‘Notice of Hearing’ was provided to the applicant for posting on the property.

9) The abutting property owners were notified of this meeting by certified mail.

10) The applicants were mailed a copy of this Staff Report prior to the meeting.

11) (Paul O'Leary and Peter Edelmann) spoke on behalf of this application. No one from the public commented on this application OR _______________ provided the following comments on this application.

12) The Recreation Director did not provide comment on this application.

13) In an email dated 11/4/2019, Public Works said,

   Public Works takes no exception to the Conditional Use application as proposed. Please note, the applicant has stated that the proposed use will require 75 GPD of water and sewer allocation. The applicants engineer has confirmed that there is sufficient purchased water and sewer allocation within the Essex Outlets site to accommodate the required flows.

16) In an email dated 11/12/19, the Fire Chief said,

   The Fire Department has no objection to this use for this space, provided that they abide by all requirements of the State Fire Marshall. We would also need to update keys in the Supra Box once they get building access completed. Also, we would recommend a conversation with the Operators of this to see when they may roast their coffee and ways that we can inform the general population. There is currently a small roaster located on Susie Wilson Road next to the Bagel Market. We have responded to several false reports of a building fire when motorists drive by and see the amount of smoke coming from their roaster. Given the number of people who frequent the complex, as well as the nearby residents, we should come up with something to inform people that the roaster is active and the exhaust is 'normal.'

17) In an email dated 11/12/19, the Police Department said,
We would ask that if there is an alarm in the building that it must be registered with a monitoring service such as Central Station in Stowe and an emergency contact list be provided to Essex PD per our town ordinances. We would also ask that adequate exterior lighting at the front and rear of the store are in place and in working order. No further comment from Essex Police.

19) Pursuant to Section 5.7 (Conditional Use) of the Zoning Regulations, the Zoning Board reviewed the following written responses to this criteria provided by the applicants:

A. General Standards.

1) Capacity of existing or planned community facilities:
   The proposed coffee roasting use will be in an existing commercial area that is currently developed. No additional community facilities will be required to accommodate the proposed coffee roaster.

2) Character of the area affected:
   The proposed coffee roasting use will occupy a portion of the existing Building 4 within the Essex Shoppes and Cinema and will blend well with the surrounding commercial uses.

3) Traffic on roads and highways in the vicinity:
   The 5 employees will generate less PM peak traffic than the previous retail use. Adequate parking currently exists at the Essex Shoppes and Cinema through a shared parking agreement.

4) Bylaws and ordinances in effect:
   The coffee roasting use complies with existing municipal bylaws and ordinances.

5) Utilization of renewable energy resources:
   There are no existing renewable energy resources on the project site. The coffee roasting use will not interfere with future availability of renewable energy resources or the access or such resources by abutting landowners.

B. Specific Standards.

1. Conformance with the Town Plan:
   The coffee roasting use conforms to the Town Plan and fits well with the anticipated residential and commercial growth around the Town Center. The coffee roasting use will be a unique use and add to the variety of uses in the Town Center that currently exist and future plans.
2. Site plan review criteria:

   The coffee roasting use will not require any changes to the current site plan.

3. Conformance with community character:

   The coffee roasting use will add to the character of the Town Center and conforms to the Town Plan goal for the area which call for lively, walkable, mixed-use centers.

20) Pursuant to Section 5.7 of the Zoning Regulations, the Zoning Board finds the following:

   a. There will be no adverse effect on the capacity of the existing or planned community facilities;
   b. There will be no adverse effect on the character of the area/neighborhood affected;
   c. There will be no adverse effect on traffic on roads and highways in the vicinity;
   d. The proposed use will be in compliance with the bylaws now in effect;
   e. The proposed use will not adversely affect utilization of renewable energy resources;
   f. The proposed use is in conformance with the Town Plan;
   g. The proposed use does not require site plan review; and
   h. The proposed use is in conformance with community character.

PROPOSED CONDITIONS:

1. Prior to the start of use and/or any fit-up connected with this use, the applicant shall submit a Zoning/Use Permit and pay the associated fees.
2. The applicant shall meet with the Fire Department to update all keys to the Supra Box and shall confirm and maintain all emergency contact information with the Essex Police Dispatch Center.
3. The applicant shall register an existing alarm, or future alarm, with a monitoring service. An emergency contact list shall be provided to Essex PD.
4. The applicant shall secure any/all State permits that may be required of this use.
5. A Certificate of Occupancy inspection shall be scheduled with the Zoning Administrator upon completion of construction, and/or prior to occupancy.
6. The applicant shall secure a Use Permit prior to the sale of product for public access, or establishing a coffee shop.
7. All previous conditions, except as modified herein, remain in effect.
8. By acceptance of the conditions of this approval without appeal, the applicant confirms and agrees for himself 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.