

APRIL 20 A.D. 2018
At 11 o'clock 30 minutes A.M. and recorded in
Book 214 Page 90-95 of Land Records
Attest: Mumma Law Assoc Town Clerk

**Town of Richmond
Development Review Board
Final Decision –April 11, 2018**

IN RE:

Buttermilk LLC – Application # 18-020 for PUD, Conditional Use & Site Plan Review for the construction of a 4-story, mixed-use building at parcel JC0074, 74 Jolina Court, Richmond, located within the Village/Commercial (V/C) Zoning District.

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388c

Applicant / Property Owner: Buttermilk, LLC
Property Address: 74 Jolina Court
Parcel #: JC0074
Size in Acres: 5.84 acres (plus .16 acre BR0125)
Zoning District: Village Commercial Zoning District

SUBMITTALS:

- A. PUD, Conditional Use & Site Plan Application, dated 03/16/2018
- B. Buttermilk Cover Letter, dated 03/16/2018
- C. Selectboard decision Application 16-114, dated 12/28/2016
- D. Selectboard decision Application 17-025, dated 04/17/2017
- E. Phase I/II Plan, prepared by Grenier Eng., dated 03/30/2018
- F. 1-3 Floorplans, undated
- G. 1-3 Elevations, undated
- H. Lighting fixtures, dated 10/19/2016, 3 pages
- I. Portion of Traffic Study from RSG, dated 11/28/2016, 8 pages
- J. Overall Site Plan Phase I, approved with SB 17-025 decision, dated 3/21/17
- K. Phase 2/3 Plan, presented to SB with 16-114 application, dated 11/30/16

PROCEDURAL INFORMATION:

On December 28, 2016 the Richmond Selectboard issued a Final Decision for Buttermilk's Application 16-114 for PUD, Conditional Use & Site Plan Review for the construction of a 4-story, mixed-use building at parcel BR0125, then located within the Jolina Court Interim Zoning District (JCIZD). This approval was only for Phase I. On April 17, 2017 the Selectboard issued a Final Decision for Buttermilk's Application 17-025 for amending the approved site plan to change the configuration of the parking lot, stormwater, water and sewer utilities for the mixed-use building at parcel BR0125, then located within the JCIZD.

The Richmond Zoning Regulations were amended to include the Jolina Court Interim Zoning District (JCIZD) May 27, 2014 and were extended for one-year May 23, 2016. The JCIZD required the Selectboard to issue approval for any redevelopment. With the expiration of the JCIZD in May of 2017, the parcel now reverts to the prior zoning district for the parcel- Village/Commercial Zoning District (V/C) and is under the purview of the DRB.

Buttermilk received a permit (18-009) on February 15, 2018 for the construction of a 14,440 sq. ft mixed use commercial and residential building- Phase I.

As per the Notice Requirements, a Notice for Public Hearing appeared in the Burlington Free Press on March 24, 2018. The Notice was also posted at four locations within the Town. The Referral Notice and Notice Poster to the applicant, as well as notice to adjoining landowners, were sent on March 23, 2018.

FINDINGS OF FACT:

1. The proposed project is subject to review under the following regulations:
 - a. Richmond Zoning Regulations, Village Commercial Zoning District
 - b. Planned Unit Development (PUD) (see Section 5.12 of Richmond Zoning Regulations)
 - c. Site Plan Review (see Section 5.5 of Richmond Zoning Regulations)
 - d. Conditional Use Review (see Section 5.6 of Richmond Zoning Regulations)
 - e. Public Improvement Standards and Specifications for the Town of Richmond
2. The proposed project affects one parcel- JC0074. The applicant is explicitly seeking approval for Phase II under this application. Phase II proposes one building on parcel JC0074. Both JC0074 and BR0125 are owned by the applicant, Buttermilk LLC.
3. The applicant has presented an executed License agreement between JC0074 and adjoining property owners of JC0013 to P&Z staff on February 14, 2018.
4. The applicant is required to present to P&Z staff prior to receiving a CO for Phase I, an executed easement agreement between BR0125 and JC0074 and the plat is to be filed referencing agreements. The applicant does not intend to merge the two parcels at this time.
5. The Selectboard approved a waiver for the internal setback between BR0125 and JC0074, the perimeter setbacks of JC0074 is still applicable. The proposed building meets the perimeter setbacks between BR0125 and the adjoining cemetery parcel.
6. The JCIZD allowed lot coverage up to 80% of the combined developable area of BR0125 and JC0074. The V/C only allows lot coverage of 50%. Due to wetland buffer and the portion of the parcel that is in the flood hazard area, only 2.99 acres for the two lots combined is developable.
7. Short and Long Term Traffic Impacts have been addressed in Phase I approval. No additional traffic study was submitted for Phase II. The applicant submitted the traffic study that was completed for Phase I and it included speculative effects of Phase II and III (Submittal I).
8. The proposed building will front on Jolina Court and have a footprint of approximately 8,000 sq. ft.
9. The building will have 4 floors (one partially sub-grade, and a second slightly sub-grade) and based upon the Submittal E-3, the average building height around the perimeter from pre-construction grade will be 34.25 ft., and will therefore not exceed the 35 ft. height requirement.
10. The mixed use building is proposed to contain a total of 4 floors. The first 2 floors will be mixed commercial space totaling 16,000 sq. ft. defined as any combination of bank,

- retail store, personal service, professional office, light industry, deli/take out eatery – with no seats).
11. With Application 17-025, the applicant presented adequate parking for the mixed commercial/residential space, based upon the IZ recommended parking requirements, showing 63 spaces (submittal H). The SB required that the applicant have at least 40 spaces for Phase I in decision 16-114. This application for Building 2 requires 98 spaces. Submittal E shows 135 spaces.
 12. The parking requirements from the SB decision 16-114 required that all parking areas to be paved upon completion of Phase II.
 13. The top 2 floors shall be residential units totaling 20 housing units, based upon Submittal F-3 and narrative. The RZR PUD General Conditions (Section 5.12.2 f) state that all mixed use projects shall contain a residential to commercial floor area ratio of 50% residential to 50% commercial, but the JCIZD required all mixed use projects to contain a residential to commercial area ratio of 40% residential to 60% commercial. However, the Selectboard decision allowed Phase I to be 50% residential and 50% commercial but upon completion of Phase II the entire development area shall contain 40% residential to 60% commercial.
 14. No landscaping plan was submitted with this application, just the projection that they intend to spend at least \$30,000 on landscaping. A series of shrubs and trees (such as lilacs and dogwoods) will be planted along the north and south side of the building. Trees such as honey locust to be along the sidewalk to the parking.
 15. The dumpsters in the parking lot are not screened.
 16. There will be 12ft pole mounted LED street lights in the parking area. They will be down-cast and shielded, energy efficient as specified within the lighting sheet. The exterior of the building will contain a similar down-cast and shielded, energy efficient lights at each of the exterior doors, as per sheet WPLED10DC (Submittal H.)
 17. A sidewalk will be built along the northside of the building from the Bridge Street intersection eastward and along the southern boundary of the parking lot, located on JC0074 and in front of Phase II.
 18. The private road will be upgraded to meet the Richmond Public Improvement Standards and Specifications construction standards. The Richmond Public Improvement Standards and Specifications require required local roads to have a 60' right-of-way (ROW). The proposed upgraded road does not have a 60' ROW. The SB waived the 60' ROW standard for this project.
 19. The applicant provided letters from the police, fire, rescue and an email from the schools for Phase I, but none for Phase II.

DECISION:

The DRB approves application 18-020 subject to the following conditions:

1. All conditions of prior Selectboard approvals, 16-114 and 17-025, must be complied with.
2. Applicant shall submit a letter from fire department to P&Z staff stating their ability to service the proposed Building 2 prior to receiving a zoning permit.

3. Applicant shall submit to P&Z and file in the Land Records an executed easement with the railroad for the proposed parking spaces on railroad land prior to receiving a zoning permit.
4. Applicant shall submit a revised landscaping plan to P&Z showing screening of all dumpsters and the DRB encourages applicant to consult with the Cemetery Committee to construct a fence between BR0125, JC0074 and BR0151.
5. The project shall be developed in conformance with the above referenced survey plat, plans, and submittal documents.
6. Any other applicable zoning regulations not expressly waived in this decision must be complied with.
7. This decision shall not relieve the applicant from any obligation to obtain all other applicable required federal, state and local permits.

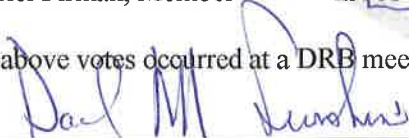
The application as approved shall be in conformance with the decision, referenced items, the findings of facts, and conditions. The applicants and interested parties are hereby notified that if they disagree with this decision, they have the right, under 24 V.S.A. 4471, to appeal to the Vermont Superior Court – Environmental Division.

The appeal must be filed within thirty days of the date of this decision, and be in accordance with the governing rules of procedure and rules of the Vermont Superior Court - Environmental Division. Title 24 Vermont Statutes Annotated, Section 4471 provides that “An interested person who has participated in a municipal regulatory proceeding authorized under this title may appeal a decision rendered in that proceeding by an appropriate municipal panel to the environmental court. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

DRB VOTING ON THIS MATTER (circle one for each member):

David Sunshine, Chair	in FAVOR	AGAINST	ABSTAINING	RECUSED	ABSENT
Ian Bender, Vice-Chair	in FAVOR	AGAINST	ABSTAINING	RECUSED	ABSENT
Matthew Dyer, Member	in FAVOR	AGAINST	ABSTAINING	RECUSED	ABSENT
Roger Pedersen, Member	in FAVOR	AGAINST	ABSTAINING	RECUSED	ABSENT
Gabriel Firman, Member	in FAVOR	AGAINST	ABSTAINING	RECUSED	ABSENT

The above votes occurred at a DRB meeting on 11th day of April, 2018

 DATED this 20TH DAY OF APRIL 2018
 David Sunshine
 Richmond Development Review Board