

MEMORANDUM

TO: Richmond Selectboard

CC: Josh Arneson, Town Manager

FROM: Ravi Venkataraman, Town Planner

DATE: March 5, 2019

SUBJECT: Regarding the Jolina Court Zoning District draft regulations

Overview

The purpose of this memorandum is to overview:

- The enclosed items pertaining to the public hearing for the Jolina Court Zoning District regulations,
- The informational meeting held on February 25, 2020
- Recommended changes to the Jolina Court Zoning District regulations as an outcome of the February 25, 2020 informational meeting
- Procedure for moving the proposals forward.

Enclosed Items

For your consideration, enclosed are the following items. The name as it appears in the packet is in **bold**.

- **1 By Law Change Report:** The Updated Municipal Bylaw Amendment Report for the Jolina Court Zoning District – Pursuant to 24 V.S.A. §4442(b), the Planning Commission is required to amend the municipal bylaw amendment report and forward this report to the legislative body prior to the public hearing. The Planning Commission moved to approve the enclosed municipal bylaw amendment report and forward the report to the Selectboard during the March 4, 2020 Planning Commission meeting
- **2 New JCZD Finalized Draft Highlighted:** The updated Jolina Court Zoning District draft regulations – This is the draft regulations for the Jolina Court Zoning District and the additional amendments that was provided to the Selectboard for its February 18, 2020 meeting, except for regulations for building height which are included in the next attachment. Please note this version has been highlighted to show changes in the document that were made since the SB reviewed this in November. Purple are modified sections and yellow are newly added sections.
- **3 Building Height Regulations Revised 2-25:** The updated draft regulations for building height – This is the draft regulations specifically for building height, drafted by staff on February 25, 2020. For additional details, please refer to the “Discussion Points” section later in this memo.
- **4 Original JCZD Draft 10-15-19_Highlighted:** The original Jolina Court Zoning District draft regulations – This is draft regulations provided to the Selectboard on August 5, 2019 for its consideration. This has also been highlighted to show changes that have been made from this document to the JCZD Document which is currently under review by the SB. Purple indicates sections that have since been modified in the new document. Blue indicates sections that have been removed in the new document. Disregard any other colors as they are a holdover of highlighting from the original document.
- **5 Jolina Court Interim Zoning:** The Interim Zoning Regulations for the Jolina Court District – This was provided to the Selectboard and Planning Commission members who attended the February 25, 2020 informational meeting. This item was later provided to all members of the Selectboard and Planning Commission shortly after the meeting.
- **6 ITE Trip Table:** A table listing uses and PM peak hour vehicle trip ends from the ITE Trip Generation Manual, 9th edition - This was provided to the Selectboard and Planning Commission

members who attended the February 25, 2020 informational meeting. This item was later provided to all members of the Selectboard and Planning Commission shortly after the meeting.

- **7 M-Traffic Study_20161129:** A traffic study that was enclosed with Buttermilk's application for Building 2 in March 2018 – This was provided to the Selectboard and Planning Commission members who attended the February 25, 2020 informational meeting. This item was later provided to all members of the Selectboard and Planning Commission shortly after the meeting.
- **8 BR0125_JC0074_DRB 2018-020_decision, signed** The decision for Building 2 of the Buttermilk PUD, issued in April 2018 – This was provided to the Selectboard and Planning Commission members who attended the February 25, 2020 informational meeting. This item was later provided to all members of the Selectboard and Planning Commission shortly after the meeting.
- **9 JC0074_DRB 2018-020_(3-30-18) GRISTMILL PHASE 1-2 copy (1):** The official site plan of the Buttermilk PUD, dated March 30, 2018– This was provided to the Selectboard and Planning Commission members who attended the February 25, 2020 informational meeting. This item was later provided to all members of the Selectboard and Planning Commission shortly after the meeting.
- **10 RFD letter:** Letter from the Richmond Volunteer Fire Department, dated October 7, 2019 – This was provided to Selectboard members in October 2019 and again via email on March 4, 2020.
- **11 Jolina Court-Creamery-Buttermilk Timeline Summary:** Jolina Court/Buttermilk Timeline 2014 to 2019 – Jess Draper had created this document. This document was provided upon request from the Selectboard members.
- **12 BR0125_JC0074_SB 16-114 CU & SP_signed** The decision for Building 1 of the Buttermilk PUD, issued in 2016 - This document was provided upon request from the Selectboard members.
- **13 Jolina Court Zoning question from the planning commission** - This email thread is between staff and the applicant regarding the commercial-residential ratio. This email is enclosed in the packet upon request from the Selectboard.
- **14 JC Master Plan Email** - This email and attachments is from the applicant to staff regarding developability and future development of the Planned Unit Development located at Jolina Court. This email is enclosed in the packet upon request from the Selectboard.

The February 25, 2020 Informational Meeting

On February 25, 2020, certain Planning Commission members and certain Selectboard members had met to address concerns regarding changes to the Jolina Court Zoning District draft regulations.

To be clear, the meeting was informational and neither public body conducted any Town business that would impact the future of the Town. Several items listed in the “Enclosed Items” section were provided to all meeting attendees.

The following people attended the meeting on February 25, 2020:

- Roger Brown, Selectboard member
- Katie Mather, Selectboard member
- Chris Cole, Planning Commission member
- Chris Granda, Planning Commission member
- Mark Fausel, Planning Commission member
- Josh Arneson, Town Manager
- Ravi Venkataraman, Town Planner
- Jerry Levesque, Richmond Fire Department
- Brad Yeates, Richmond Fire Department

Discussion Points

Based on the discussions during the February 18, 2020 Selectboard meeting and the February 25, 2020 informational meeting, the following items need to be addressed:

- Height restrictions and the Richmond Fire Department's ability to provide emergency services
- Language regarding traffic impacts
- Building footprint limitations

New Draft Regulations regarding Building Height

Following the February 18, 2020 Selectboard meeting, I met with Jerry Levesque of the Richmond Volunteer Fire Department to discuss the fire department's concerns.

My primary concerns were that:

- The zoning regulations are not a building code. Zoning regulations are used to regulate land use and infrastructure on a town-wide level, as well as building form and density per parcel. Building codes are used to regulate the safety and accessibility of a structure on a parcel; building code elements would include the occupant load of a room, egress, wiring and plumbing. The Town of Richmond does not have a locally administered building code (unlike Burlington, Colchester, or Montpelier). Planning and Zoning staff do not have the qualifications to administer a building code.
- The Richmond Fire Department has the expertise to determine if a structure is compliant with the Vermont Fire and Building Safety Code, and it can determine if it can effectively serve a building based on its capacity.

Solutions the fire department and I arrived at are to require all applicants requiring Conditional Use and Site Plan Review to meet with the Fire Department, and all Conditional Use and Site Plan Review applications to include a review letter from the Richmond Fire Department. To note, in the current zoning regulations, PUDs in all districts are Conditional Uses, and all uses that are not single- and two-family dwellings require Site Plan Review.

With this modification, I suggested modifying Sections 4.12.3 and 4.12.4 to only apply to single-family and two-family dwelling uses.

Under the enclosed draft regulations, the DRB would be able to put in enforceable permit conditions based on the fire department's recommendations. Please note that the enclosed draft regulations for building height would apply to all buildings in town—including any future buildings in the Jolina Court District.

Procedure

Per the Selectboard's Rules of Procedure, it is recommended that you conduct the hearing as warned and vote to either adopt or reject the regulations (or the regulations as amended.)

Under 24 V.S.A. §4442, the Selectboard may make changes to the proposal. However, if the Selectboard chooses to make substantive changes to the proposal, it would be required to warn a new public hearing.

When the Selectboard chooses to take action, having reviewed the enclosed documents and any amendments, and either adopts or rejects the proposal, changes shall be effective 21 days after adoption.

Please do not hesitate to contact me if you have any questions.