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APPLICATION: CU2023-04

APPLICANT: East Engineering

REQUESTED ACTION: Conditional Use Review

LOCATION: 854 Kenyon Road

EXISTING ZONING: Agricultural Residential/ Industrial Commercial

PROJECT DESCRIPTION: The Applicants, East Engineering and Eden Sand and Gravel, are seeking Conditional Use approval for a professional office space that is less than 2500 square feet in the Agricultural Residential Zoning District. The use would occur on proposed lot two of the subdivision noted in the sketch plan application SKP2023-07. The applicants are seeking to have the use conditioned on the final approval of the subdivision noted in SKP2023-07.

PARCEL HISTORY:

1. Conditional Use Review 14-027, Approved 5/14/14
2. Conditional Use Review, Approved 1/4/99

LIST OF SUBMISSIONS:

- A. Narrative
- B. Conditional Use Application
- C. Ladder Specifications
- D. Umiak Ladder Richmond Map
- E. Umiak Site Plan Waiver
- F. Flood Plain Manager Comments

PROCEDURAL INFORMATION:

1. Application submitted on 5/19/23
2. Agenda placed in Seven Days 5/26/2023
3. Notice placed on Town website and at three locations in town on 5/26/2023
4. Abutters notified on 5/26/2023
5. Notice sent to Applicant 5/26/2023

STAFF COMMENTS (In Bold):

1. The Applicants, East Engineering and Eden Sand and Gravel, are seeking Conditional Use approval for professional office space that is less than 2500 square feet in the Agricultural Residential Zoning District. The use would occur on proposed Lot 2 of the

subdivision noted in the Sketch Plan application SKP2023-07. The applicants are seeking to have the use conditioned on the final approval of the subdivision noted in SKP2023-07

2. The Property is located in the Agricultural Residential District and is covered by Section 3.1 of the Richmond Zoning Regulations
3. The Applicants narrative notes that they are proposing a commercial office space that is less than 2500 square feet
4. Section 3.1.2 notes that professional office space 2500 square feet or less is an allowed use with Conditional Use Approval
5. Section 3.1.3 notes the following dimensional requirements
  - a. Lot Area - No lot shall be less than one (1) acre. The purchase of additional land by the owner of such lot from an adjacent lot owner shall be permitted, provided such purchase does not create a lot of less than the minimum lot area required in the Zoning District for the lot on the part of the seller
  - b. Lot Dimensions - Each lot must contain a point from which a circle with a radius of fifty (50) feet can be inscribed within the boundary of the lot
  - c. Lot Frontage - No lot having frontage on a public or private road shall have less than one hundred (100) feet of continuous uninterrupted length of said frontage or the lot must have access to a public or private road with approval by the DRB pursuant to Sections 4.2, Required Frontage, and 4.3, Approval for Interior Lots with No Frontage
  - d. Lot Coverage - The total amount of ground on a lot that can be covered by any structure or impervious material shall not exceed 30% **(The Applicants are proposing a professional office space for lot 2 of the proposed subdivision noted in SKP2023-07. Proposed Lot 2 has enough space to conform with the dimensional requirements if approved. Lot 2 has its own proposed access onto Kenyon road)**
6. Section 3.1.4 notes the following dimensional limitations for lots in the Agricultural Residential district
  - a. Height - The height of any structure shall not exceed thirty-five (35) feet, except as provided in Section 6.6, Taller Structures, of these Zoning Regulations **(Building height not noted. Building height will need to be less than 35 feet)**
  - b. Front Yard Setback - All structures shall be set back at least thirty (30) feet from each front lot line, or fifty-five (55) from the center line of each public or private Road or Highway right of way contiguous to the lot, whichever is greater.
  - c. Side Yard Setback - A principal structure shall be set back at least twenty (20) feet from each side lot line. An accessory structure shall be set back at least ten (10) feet from the side lot line
  - d. Rear Yard Setback - A principal structure shall be set back at least twenty (20) feet from a rear lot line. An accessory structure shall be set back at least ten (10) feet from the rear lot line **(The Applicants site plans indicates that the proposed structure would meet the setback requirements)**
7. Section 4 covers regulations for all lots
8. Section 4.1 notes that all vehicle access shall comply with the 2000 public works specification or the most recent version.
9. Section 4.4 notes that properties cannot have more than one curb cut. **(Only one curb cut for Lot 2 noted on site plan)**
10. Section 4.10.1 notes the town of Richmond exterior lighting policy is designed to reduce the use of inappropriate and poorly designed or installed exterior lighting which causes unsafe and unpleasant viewing conditions. On the other hand, it is also recognized that

some exterior lighting is appropriate and necessary. All Richmond property owners or Applicants are encouraged to utilize the following general guidelines when designing and installing or replacing existing exterior lighting fixtures: **(The Applicants have not provided a lighting plan. Given the scale of the development the DRB should consider waiving the requirement that the Applicants provide a lighting diagram. Section 5.5.2 subsection c. lets the DRB waive some site plan requirements. Given the scale of the development the DRB should consider waving the lighting plan)**

- a. Use the minimum light level needed for the task
  - b. Avoid competitive lighting, in which one source of lighting is increased in illumination to “outshine” a neighboring source
  - c. Light areas evenly and uniformly for better visibility
  - d. Consider the color of the light and limit the use of lighting that provides unnatural color
  - e. Lighting should not shine onto adjacent properties or above the horizontal plane, at the elevation of the light fixture
11. Section 4.10.3 note the following general lighting criteria
- a. Submit a Site Plan proposal that includes all proposed exterior light fixtures:
    - i. Specifications for all proposed lighting fixtures including photometric data designation as IESNA (the Illumination Engineers Society of North America) “cut-off” fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures such as height and location, and
    - ii. Analyses and iso-illuminance diagrams showing that the proposed installation conforms to the lighting standards in this Section.
  - b. Whenever building elevations are submitted, show exterior fixtures and the portions of the walls to be illuminated
  - c. Lighting installations should include timers, dimmers, and/or sensors to reduce the overall energy consumption and eliminate unneeded lighting
  - d. Electrical service to exterior lighting fixtures shall be underground unless the fixtures are mounted directly on utility poles
  - e. The mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation directly below the fixture to the bottom of the lighting fixture
  - f. Lighting associated with normal and customary residential activities and holiday lighting, displayed within 45 days of the State recognized date of the holiday, shall be exempt from this standard
12. Section 4.11 lays out the allowable heights for structures in all zoning district
13. Section 4.11.1 notes that building heights shall not exceed 35 feet **(The applicants plan set shows building height will not exceed 35 feet)**
14. Section 4.11.5 notes that for all Conditional Use and Site Plan Review applications, applicants must consult with the Richmond Fire Department prior to applying. All Conditional Use and Site Plan Review applications must include a letter of recommendation from the Richmond Fire Department. The DRB shall take into consideration the recommendations the Richmond Fire Department in its review. Permit conditions may include recommendations from the Richmond Fire Department, so long as the recommendations promote the health, safety and general welfare of the inhabitants of the Town of Richmond **(Applicants will need to obtain letter from Richmond Fire Department)**
15. Section 4.12 lays out the following performance standards

- a. No vibration resulting from the activities or use of a lot shall be measurable at the lot lines
  - b. No odors resulting from the activities or use of a lot shall be discernible at the lot lines
  - c. Smoke emissions from the activities or use of a lot shall not exceed number two (2) on the Ringelman Chart
  - d. No dust, dirt or fly-ash from the activities or use of a lot shall exceed two-tenth ( ) grain per cubic foot of flue gas at a stack temperature of five hundred (500) degrees Fahrenheit
  - e. No noxious gases resulting from the activity or use of a lot shall be discernible at the lot lines
  - f. Hazardous materials and wastes shall be stored on and removed from a lot without causing a release or the threat of a release from a facility on a lot or on adjacent lots, and any such storage, use and/or removal shall protect the public health, safety, welfare and the environment. All uses shall comply with all federal and state laws, rules and regulations for the use, storage, transport, and disposal of hazardous materials and wastes
  - g. No use shall cause, create, or result in an undue adverse impact on municipal facilities and services
  - h. No heat shall be discernible at the lot line
16. Section 5.6 covers the requirements for Conditional Use Review
17. Conditional Use Review requires Site Plan Review and is covered by Section 5.5 of the Richmond Zoning Regulation
18. Section 5.5.2 lays out the following requirements for Site Plan Review
- a. Name and address of owner(s) of the parcel (**Eden Sand and Gravel**)
  - b. Names and addresses of all abutters, including those across contiguous Road(s) or Highway(s). **Abutters list provided**
  - c. Unless waived by the DRB for good cause, a site plan shall be prepared by a registered surveyor, professional planner, engineer, architect, or landscape planner. In all events, the site plan shall be drawn to scale, and submitted with written supporting data, showing the following:
    - i. Existing features: contours, structures, utility easements, rights-of-way, deed restrictions, significant landscape features, Roads or Highways, surveyed boundaries, dimensions, total lot size;( **Utilities and rights of way not shown on Lot 2**)
    - ii. Proposed Land Development: land use areas, structures, driveways, curb cuts, parking and loading areas, traffic circulation, pedestrian walkways, outside display areas, signs, site grading, landscaping, plantings and screening, setbacks and buffer strips, outside lighting, equipment and waste storage areas and sewage disposal areas
  - d. Information as to the time period or phasing for completion of the project **Phasing noted in applicants narrative**
  - e. The DRB may also require the following submittals:
    - i. Security as provided in Section 8.2.5
    - ii. Formal traffic study if a substantial alteration in public traffic flow is anticipated or a largescale parking area is planned. This may include analyses of traffic volumes, average daily trips, turning movements, patterns of ingress and egress, levels of service on roadways and at intersections, and modes of traffic control

19. Section 5.5.3 lists the following conditions of approval for Site Plan Review
- a. Traffic - Conditions and safeguards with respect to adequacy of parking, traffic “ , and circulation for pedestrians and vehicles, including, but not limited to:
    - i. Lanes - Installation of speed change lanes or frontage roads.
    - ii. Curb Cuts - Limitations on access driveways, or requirement that these be shared with adjacent properties to reduce curb cuts and provide for safe ingress and egress. **One curb cut on property**
    - iii. Pedestrians - Provision for pedestrian traffic, with sidewalks and other walkways clearly separated from vehicular traffic and with appropriately designed road-crossing areas. **Sidewalks and crossing areas noted on site plan**
    - iv. Roads within the site connecting to roads outside the site that will bear substantial traffic loads being constructed to the Public Works Specifications. **Driveway shown on the site plan**
    - v. Parking must be located to the rear of buildings, or at the side well-screened from view. **Parking located at the side of the building**
    - vi. Trails for non-motorized transportation.
    - vii. Lighting - Provision for lighting adequate to promote traffic and pedestrian safety, while minimizing negative impact on neighboring residences. ( **The Application for one professional office building noted in the application. DRB should waive the requirement for a lighting diagram**)
  - b. Landscaping and Screening Conditions and safeguards with respect to landscaping and screening, including, but not limited to **DRB Should consider giving credit for existing landscaping**
    - i. Provision for landscaping that will preserve the character of the existing neighborhood. This may include curbside shade trees.
    - ii. Provision of a buffer zone that shall include vegetative screening to conceal outdoor storage or display areas, parking lots, or loading areas, or other outdoor commercial or industrial uses from neighboring residences.
    - iii. Requirements that vegetation be indigenous to the area, sight-impervious, large enough to do well, and planted intervals in keeping with other neighborhood foliage.
    - iv. Retention of currently existing site vegetation.
    - v. Interim fencing being required while vegetation is growing to appropriate size
    - vi. Provision for the care and
    - vii. Minimum Landscaping Costs. The minimum direct landscaping cost shall be at least equal to the total project construction cost multiplied by a certain percentage per the below schedule ( **Landscaping not noted on site plan. Applicants will need to provided documentation that the project will comply with minimum landscaping requirements. Applicants will need to provided lands aping plan**)
      1. \$0-\$250,000-3%
      2. Next \$250,000 -2%
      3. Excess over \$500,000-1%
    - viii. In the case of non-residential uses, the required front yard shall be suitably landscaped and maintained in good appearance.

- ix. Buffer Strips. DRB may also require additional landscaping above and beyond the formula for the purpose of adding a buffer strip along I-89 to properly screen development from the highway. **Buffer strips of grass noted on site plan**
  - x. Additional Screening. The DRB may require additional plantings or attractive solid fencing, above the normal landscaping requirement, whenever it determines a particular site warrants such additional landscaping, such as to adequately screen two adjacent dissimilar uses from each other, or to improve the appearance of a property which is covered excessively with pavement or structures or is otherwise insufficiently landscaped. All outdoor lighting or parking from public or commercial uses shall be screened from the view of the ground floor of adjacent residential buildings. Auto service stations shall be screened in the same manner from all abutting properties. Recreational vehicle parking areas shall be screened with evergreen trees and shrubs and such landscaping plan shall be part of the application.
  - xi. Exterior Lighting. Exterior lighting shall meet the requirements of Section 4.11 of these Zoning Regulations. **No Lighting plan provided. Recommended that the DRB waive this requirement given the scale of the project**
  - xii. Site Restoration. The DRB may require any necessary grading or seeding to restore the condition of any portion of a site that is disturbed during construction.
  - c. Renewable Energy Resources Conditions and safeguards for the protection and the utilization of renewable energy resources.
  - d. Signs Size, location, and design.
20. Section 5.6 covers Conditional Use Review
21. Section 5.6.1 outlines the general standards for Conditional Use Review
- a. The capacity of existing or planned community facilities
  - b. The character of the area affected, as defined by the purpose or purposes of the zoning district in which the project is located and with specifically stated policies and standards of the Richmond Town Plan ( **Professional office space is an allowed use with Conditional Use Review in the Agricultural Residential District as noted in Section 3.1.2 )**
  - c. Traffic on roads and highways in the vicinity (**Applicants have not provided any information on potential traffic impacts**)
  - d. Bylaws and ordinances then in effect
  - e. The utilization of renewable energy sources.
22. Section 5.6.2 notes the following specific requirements
- a. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the lot shall not be generated
  - b. There shall be no outside displays except those that are brought indoors at the end of the business hours and are the actual product of the business.
  - c. Outside storage of goods, parts, supplies, vehicles machinery and other personal property shall be appropriate to the neighborhood and shall not impair safety
  - d. A State Wastewater and Potable Water Supply Permit shall be obtained before the use commences.

- e. The development is proposed over a reasonable time period in order that the general and specific standards for conditional uses may be met
  - f. In determining the appropriateness of the use in the Zoning District, the DRB shall consider the scale of the proposal in relation to the scale of existing uses and structures
  - g. No fire, explosive, or safety hazard shall be permitted that, in the judgment of the DRB, after consideration of the advice of Richmond firefighting officials, significantly endangers other property owners or emergency personnel.
  - h. The development shall not result in an Undue Adverse Effect on state- or community-owned and operated institutions and facilities
23. Section 6.1 deals with Parking and loading requirements
24. Section 6.1.2 Subsection c notes that professional office spaces require 3.5 parking spaces per 1000 square feet of gross floor area.
25. The Applicant is proposing a 2500 square foot professional office space.
26. The applicants would be required to have 9 parking spaces
27. The Applicants requested a waived for the parking requirements (**Given the scale of the use the DRB should consider waiving the parking requirements**)
28. Section 6.1.6 notes the following parking standards
- a. All parking areas subject to administrative review by the Administrative Officer, except for such areas associated with single or two-family dwellings, or other Land Development specifically exempted from site plan review, shall require Site Plan Review (see Section 5.5.1). All parking areas shall be located on the lot for which the parking requirement was generated unless specific alternatives are approved by the DRB.
  - b. All parking areas shall be hard-surfaced (asphalt or concrete). The DRB may waive this requirement if the Applicant demonstrates that all of the remaining standards of section 6.1.6 will be met. In addition, the following specific standards shall be considered by the DRB when reviewing a waiver request for surfacing requirements: 1) The parking area shall be designed so as to prevent the intrusion of gravel or a similar surfacing material onto the road / Road or Highway travel lanes or adverse impacts on drainage systems.
  - c. All parking areas and associated roadways shall be designed and constructed with detention devices, such as, but not limited to overland grassed and/or stone lined swales, detention basins, and settling ponds, in order to assure that the post development peak flow stormwater volumes from such parking areas and roadways do not exceed the predevelopment quantities based on the run-off from a twenty-five year, twenty-four hour storm event. All such devices shall be designed and constructed to the standards in the Public Works Specifications, except that in the event of a conflict between the Public Works Specifications and the preceding sentence, the preceding sentence shall control. Unless stormwater flows are contained on the lot where such parking areas and roadways are located, there must also be adequate off-site drainage areas to accommodate such flows.
  - d. All parking areas shall provide for persons with disabilities which are clearly designated and marked, and signed, using the international symbol for access required by Title 21 V.S.A. Section 275, as amended, for use by such persons only. (**No ADA parking located on site plan**)
  - e. State, municipal or private commuter lots shall be approved by the DRB subject to Site Plan Review under Section 5.5

- f. All parking spaces shall meet the setback standards for the District in which it is located except parking in driveways in the Agricultural / Residential District for single-family residential uses, parking in the Jolina Court Zoning District, and the Village Commercial District. Refer to Section 3.9 for specific requirements regarding parking and setbacks in the Jolina Court Zoning District, and Section 3.5.4 for specific requirements regarding parking and setbacks in the Village Commercial District
- g. The DRB may require screening for any parking lots located within any front yard. Screening shall emphasize the separation of parking lots from adjoining public Roads or Highways to minimize glare from vehicle headlights onto public Roads or Highways. The use of berms and landscape materials is the preferred method of screening. The DRB may approve fencing, if it determines the more preferred methods are impractical
- h. All parking lots shall be landscaped as approved by the DRB.
- i. The design of all parking lots shall incorporate measures to minimize safety hazards to pedestrians. Pedestrian paths shall be designated and clearly marked. Separation of vehicle and pedestrian traffic shall be included in all parking lot plans where possible. The DRB may waive this requirement due to unique characteristics of the lot, or innovative alternative designs
- j. parking lots shall be designed to encourage bicycle access. Any parking lot which is required to have fifteen (15) or more parking spaces shall provide bicycle racks at a location convenient to the main entrance to the business. The DRB may waive this requirement if in their judgment the business will not generate bicycle traffic. **No bike rack noted on site plan. Applicants should request that the DRB waive this requirement**
- k. Hard surfaced parking spaces shall be clearly striped and maintained and shall meet standard parking dimensional requirements as specified by the DRB.
- l. The DRB may require the use of uniform ingress and egress signs, traffic control signs, and other signs as necessary to direct the flow of traffic
- m. Lighting shall be provided in all parking lots as approved by the DRB and in conformance with Section 4.11, Exterior Lighting, of this Regulation
- n. Joint parking arrangements may be approved by the DRB, provided that the Applicant has submitted legal documentation to guarantee continued long-term availability of said parking. Within any shopping center or other areas where joint parking has been established, the DRB may not approve any site plan amendments or other use changes which would increase parking needs, or any waivers of parking requirements, until the Applicant has submitted proof of notice to all tenants or shared parking participants of the proposed change.
- o. All fire lanes as recommended to the DRB by the Fire Chief shall be clearly designated by pavement markings and/or signage. All designated fire lanes shall be kept free from obstruction at all times. Vehicles parked within a designated fire lane for any period of time shall be subject to immediate towing at the owner's expense
- p. The DRB may waive some or all parking requirements and may place conditions on a waiver as necessary to guarantee adequate parking. The DRB may require any change in use on any property where a waiver has been granted to be reviewed for parking impacts, and the change shall be prohibited if it is deemed to generate a parking deficiency. The DRB shall determine that one or more of the following standards are met at a specific location prior to granting a waivers:



**(Given the Scale of the proposed development the DRB should Considered waiving most of the parking requirements)**

- i. The proposed uses have staggered business hours with minimal overlap in business hours.
- ii. The Applicant presents evidence that the parking requirements are excessive based upon new parking studies, traffic engineering data, or obvious and apparent existing parking demands.
- iii. The Applicant demonstrates that the demand for parking is reduced because the type of business proposed substantially relies on pedestrian traffic.
- iv. The Applicant demonstrates that sufficient off-Road or Highway parking is available at other locations within two hundred (200) feet which are, or have been approved by the DRB
- v. The use of mass transit, or other alternate transportation reduces parking demand
- vi. Joint parking facilities with abutting businesses are sufficient to meet parking demand
- vii. The I.T.E. (Institute of Traffic Engineers) Parking Manual, or other professional source, provides data which demonstrates parking demand for a proposed use is less than the standards specified in these Zoning Regulations.

**Recommendations For the DRB**

- 1. DRB Approve the Application with the following potential conditions**
  - a. Wave the 9-spot parking requirement**
  - b. Applicant will need to provide lighting information noted in section 4.10.3 of the Richmond Zoning Regulations prior to applying for a Zoning Permit**
  - c. Require 1 ADA parking space**
  - d. Applicant will need to provide a landscaping plan showing they meet standards noted in Section 5.5.3 Subsection b**