



DEVELOPMENT REVIEW BOARD MINUTES

WEDNESDAY, AUGUST 17, 2022 @ 6:00 PM
RUTLAND CITY HALL, ALDERMEN'S CHAMBERS

ATTENDANCE

DRB MEMBERS PRESENT:

Michael McClallen, Chair
Stephanie Lorentz
Al Paul
Jim Pell
Steve Wilk

STAFF PRESENT:

Andrew Strniste, Zoning Administrator

109 GROVE STREET:

Richard Redington, Landowner/Applicant
Jason Bemis, Attendee (105 Grove Street)
David Nelson, Abutting Neighbor (106 West Street)
Dan Parker, Abutting Neighbor (107 Grove Street)
Nathelia Maken, Abutting Neighbor (111B

Grove Street)

Trevor Smith, Attendee (58 Ives Avenue)

31 & 37 NORTH MAIN STREET:

Jeff Turkanis, Applicant/Landowner (31 & 37 North Main Street)
Patrick Griffin, Applicant's Engineer (31 & 37 North Main Street)
David Nelson, Abutting Neighbor (106 West Street)
Patrick Dwyer, Abutting Neighbor (154 Bellevue Avenue)
Trevor Smith, Attendee (58 Ives Avenue)

OTHERS IN ATTENDANCE:

Mike Doenges, Board of Aldermen
Gordon Drischilo, Rutland Herald

* Denotes that the attendee joined via Go-to-Meeting

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- Members of the Rutland City Development Review Board convened in the Aldermen's Chambers at Rutland City Hall @ 52 Washington Street around 5:55 PM.
 - No general public was in attendance to provide public comment before the evening's hearings.

PUBLIC HEARING – CONDITIONAL USE REVIEW (109 GROVE STREET)

6:01 PM

APPLICANT: RICHARD REDINGTON

LANDOWNER: RICHARD REDINGTON

ZONING DISTRICT: MIXED RESIDENTIAL DISTRICT 1 (MR-1)

[6:01] Chair M. McClallen called the hearing to order and provided an overview of the hearing procedures. The subject of the evening's hearing related to the establishment of a food cart (best categorized as a "Restaurant" use under the City's *Land Use Development Regulations*) at the subject property, 109 Grove Street. Chair M. McClallen then swore in all those who were in attendance wishing to provide testimony during the evening's public hearing.

Board Member Lorentz disclosed that her husband and David Nelson, a public attendee at the evening's hearing, practiced law with one another; however, she did not think that that relationship would result in her giving a biased opinion or present a conflict of interest. No one in attendance, including the Applicant, objected to Board Member Lorentz remaining on the Board for the evening's hearing.

- [6:03] The Applicant, Richard Redington, informed the Board that he purchased the subject lot a year or so after buying his property at 105 Grove Street, and that the subject property, 109 Grove Street, had been an empty lot since he was a child living at 118 Crescent Street. Applicant Redington recalled riding his bicycle to Minard's Snack Bar, which he hopes to emulate his food cart after. The focus of the endeavor would be to elicit walk-up/ride-up clientele from the immediate area. The endeavor would be overseen by himself and his partner, who both run The Wild Fern in Stockbridge, Vermont. When the pandemic commenced, they bought the food cart, which they now hope to repurpose at the subject property. The endeavor will provide grilled cheese sandwiches and cold coffee to clientele, Sunday thru Tuesday, from 4:30 PM to 7:00-7:30 PM. In addition, the Applicant seeks to have limited outdoor workshops (maybe six to eight per year) for arts-, cooking-, and music-related events. He understood that there were concerns about cars; however, he is encouraging walk-up/ride-up traffic. In response to Board Member Lorentz's question, the Applicant advised that there would only be two employees, himself and his partner, and that parking for them would be at his property down the street – 105 Grove Street. The Applicant then advised that 109 Grove Street is accessed via a shared driveway that provides access to a few of the neighboring properties along Grove Street.
- [6:07] Board Member Lorentz then inquired about various topics, which the Applicant responded the following: the Applicant is not looking to encourage people to congregate on or at the property, but rather order their food, pick up their food, and leave; congregations of people would only occur during workshops; no tables would be provided and participants of the workshop would need to sit on the ground or in lawn chairs they bring themselves; parking for the workshops would occur on his property at 105 Grove Street where approximately 10 cars can fit; the Applicant clarified that grilled cheese sandwiches would be the only food product offered; the purpose of the shed would be to store the food cart; the hours would be limited to avoid having people congregate during the night, and therefore, hours would depend on when the day gets dark; the operation would be shut down in the winter months; the expected months of operation are between mid-April to mid-November – the warmer months of the year; lighting would be provided via solar panels on the food cart. The Applicant informed the Board that he was not looking to disturb the neighborhood with the proposed endeavor. Chair M. McClallen inquired about the on-street parking on the west side of Grove Street, and whether the two parking spaces provided on-site were legitimate. The Applicant responded that two cars could fit on-site, which would utilize the shared driveway; however, emphasized that he was trying to encourage pedestrian and bicyclist to visit the site instead of vehicular traffic to the site.
- [6:15] Jason Bemis, who rents from the Applicant at 105 Grove Street, informed the Board that he helped Rick with the application and is in support of the project; that the project could attract people from the neighborhood, especially those working at Green Mountain Power. David Nelson, who owns 111 Grove Street, informed the Board that he rents that property and vocalized concerns about finding quality tenants should there be a food cart next door. He also provided that he is receiving feedback from tenants who have expressed concerns. Attendee Nelson read the Mixed Residential District land use purpose statement from the Master Plan into the record and opined that the proposed project does not fit the criteria

outlined in this provision of the Plan. He emphasized the general goals of high density residential and preserving property values, which the proposed project appears to be contrary to. Attendee Nelson also stated that Staff's interpretation of categorizing the project as "Neighborhood Retail" was wrong and quite a leap. Attendee Nelson stated that he liked the concept of the project, but that the location was wrong, and that he is happy to work with the Applicant on finding a different location.

Dan Parker, who lives at 107 Grove Street, is a tenant therein, and informed the Board that the Landowner of 107 Grove Street, Steven Kohn, submitted written comment opposing the project. Dan Parker also advised the Board that the proposed project would be there when he walks out onto his front porch and that the endeavor is not going to be minimal. He informed the Board that he would not be able to sit on his porch, as patrons relating to the endeavor would be hanging out right in front of his porch. Dan Parker stated that it was a good idea; however, the area was not the right place for the project, and does not seem fair for the tenants who live in the buildings. He then suggested that there would be a problem with the shared driveway.

Nathelia Maken, who lives at 111B Grove Street, rents from Attendee Nelson, became apprehensive when learning that the project would become more than just a food cart, but would also have workshops. She likes the concept; however, does want it in the front yard.

[6:23] Applicant Redington stated that he appreciates everyone's concerns and informed the Board that he was trying to cut down the hours to help address these concerns. He also advised that the workshops would be approximately 45 minutes, once per month, for six or so individuals. If the endeavor begins to disturb the neighborhood, he would then do away with the project. Applicant Redington then reiterated that the lot was completely vacant since before he was born.

[6:26] The Board had no other questions, nor did the Applicant provide additional testimony. Chair M. McClallen adjourned the hearing and provided an overview of the process going forward.

PUBLIC HEARING – SITE PLAN REVIEW (31 & 37 NORTH MAIN STREET)

6:29 PM

APPLICANT: OGR RUTLAND, LLC

LANDOWNER: OGR RUTLAND, LLC

*ZONING DISTRICTS: GATEWAY BUSINESS DISTRICT – ROUTES 4 & 7 (GB-47);
GATEWAY BUSINESS DISTRICT – II (GB-II)*

[6:29] Chair M. McClallen called the hearing to order and provided an overview of the hearing procedures. The subject of the evening's hearing related to the reconfiguration of the CVS parking lot and Starbucks drive-through. Chair M. McClallen then swore in all those who were in attendance wishing to provide testimony during the evening's public hearing. Board Member Pell informed the Board of a conflict of interest and recused himself.

[6:32] The Landowner, Jeff Turkanis, commenced the evening's testimony by informing the Board that he owns the CVS property at the Route 4 & 7 intersection. Based on what has occurred since the construction of the Starbucks/Chipotle, a need for improvement relating to traffic circulation for both the CVS parking lot and Starbucks drive-thru were needed. Landowner Turkanis then emphasized that the solution is not perfect, and the problem to be fixed is imperfect. Patrick Griffin, from Enman Kesselring Engineering Consultants, the Landowner's Engineer, informed the Board that he was trying to solve the circulation issue

by taking a proactive approach to use the site better. He continued to state that the CVS parking lot was problematic and challenging before the construction of Starbucks, and that Starbucks, in conjunction with the pandemic, exposed the present day issues. The Landowner is proposing to eliminate the middle parking stalls at the entrance/exit and create two entrance lanes and two exit lanes. To achieve the design goals, signage, curbing and striping will be implemented. The parking spaces there were blocked by entering traffic will be removed for snow storage purposes. The angled parked will also be removed and replaced with perpendicular parking. The current configuration of the Starbucks drive-thru allows for 11 vehicles to queue from the pick-up window, whereas the new configuration allows 16 vehicles.

- [6:37] Engineer Griffin reaffirmed that the combination of striping and signage will help effectuate the proposed plan, in addition to the parking spaces interfering with the entrance/exit being removed. While there will be a net loss of 10 parking spaces (from 74 spaces to 64 spaces), the number of available spaces will continue to be sufficient to satisfy demand. In response to Board Member Paul's question, Engineer Griffin informed the Board that the right exiting lane will be for through traffic and right-hand turns, while the left exiting lane will be for left-hand turns. Chair M. McClallen inquired about the number of vehicles that queue from the ordering point to North Main Street; Landowner Turkanis stated that 4 or 5 vehicles could fit between the pick-up and order points, while the queue from the ordering point to North Main Street can fit approximately 11 to 12 vehicles. Board Member Wilk asked if the queueing numbers were sufficient to Starbucks by their own standards; Engineer Griffin responded that by Starbuck standards, yes, and in addition, the plaza has not yet seen Starbucks operate at times outside of COVID. Landowner Turkanis and Engineer Griffin confirmed with the Board that CVS, Starbucks and Chipotle are all in support of the proposed plan. When asked by Board Member Lorentz about whether the belief is that a dedicated drive-thru line will help alleviate the existing circulation issues, Landowner Turkanis repoded that the problem with the traffic is where the Starbucks/Chipotle building is positioned, and had the building been located towards the rear of the property, as originally desired, the circulations may not be as bad. Landowner Turkanis reiterated that they are tasked to fixing an imperfect situation. Engineer Griffin elaborated on the CVS drive-thru lane, that their (CVS) drive-thru customers are getting caught with Starbucks drive-thru traffic. He also explained to the Board that the drive-thru line for CVS is shorter.
- [6:45] In response to Board Member Lorentz's question, Engineer Griffin stated that the markings provided on the proposed site plan (in orange) will be what is painted on the pavement. Chair M. McClallen inquired about the CVS drive thru; Engineer Griffin stated that there are not dramatic changes made to the CVS drive-thru, as it functions well. He also stated that they are proposing to widen the area between to the CVS property and the Starbucks/Chipotle property. Chair C. McClallen confirmed that the CVS drive-thru works well, and then inquired about its queueing. Engineer Griffin responded that the CVS drive-thru can queue about four to five vehicles and that there are few times where there is a large number of vehicles that stack in that drive through. Chair M. McClallen then asked about the standard width of aisle space between parking stalls, which Engineer Griffin responded 24 ft., currently proposed. Chair M. McClallen asked if there was any room to incorporate a vegetative buffer along North Main Street (at 31 North Main Street) into the design. Engineer Griffin responded that while some of the parking spaces can be made shorter in length, vehicles are becoming larger, thereby requiring bigger spaces.

[6:50] Staff Member Strniste provided the position of the City as it relates to the vegetative buffer, specifically that some of the stalls could be shortened to 18 ft. to accommodate a 4 ft. buffer. Landowner Turkanis informed the Board about the money spent on making a buffer at 37 North Main Street, a building that is only 57% occupied, and that buffers are expensive to maintain. He then stated that he was resistant to the incorporation of a buffer when he cannot fill the tenant space. Chair M. McClallen inquired about the internal truck movements on the site. The Landowner/Engineer confirmed that CVS has off-hour deliveries. The Landowner reviewed various iterations and that the subject proposed is seemingly the best iteration, and does not believe internal truck deliveries would be an issue.

[6:55] Abutting Landowner, Patrick Dwyer, of 45 North Main Street, opined that the proposed reconfiguration are reactionary solutions and identified that the existing vacant units could pose an issue in the future. He stated that the project only solves the issue currently existing on site, but does not solve the future issues. P. Dwyer encouraged the Board to think about the future, and that the proposed parking lot design is flawed. He is opposed to the proposed reconfiguration and that the previous configuration worked well before. P. Dwyer continued to state that there was a lack of upkeep with maintaining the striping and that the landowner needs to do a better job in maintaining the striping. He then expressed concerns about the new designated snow storage area, specifically relating to sight lines. P. Dwyer also expressed reservations about the sharp turning radius for the Starbucks drive-thru lane. He concluded by stating that there is more to the problem than what is being proposed as the solution.

David Nelson, abutting neighbor, and Trevor Smith were in attendance to observe the application, but had no opinion on the matter.

In response to Board Member Lorentz's question about new lighting, Engineer Griffin advised that there are changes to outdoor lighting in the parking lot other than relocating a light pole and that VTrans controls the traffic control lighting. Chair M. McClallen referred to the City's Engineer's memorandum and received clarification from the Landowner/Engineer regarding the comments therein. Engineer Griffin stated that permanent highway paint will be utilized. Discussion ensued about the number of parking spaces not occupied in the CVS parking lot; Landowner Turkanis explained what type of business would be likely utilized the vacant CVS Plaza space, noting that a restaurant could not be placed in the building due to parking constraints. Board Member Lorentz confirmed that retail was the most likely option to be placed in the CVS Plaza; however, not a high-use retail, but rather retail that does not have a lot of vehicular volume due to the parking capacity issues. Engineer Griffin then informed the Board that in reviewing parking regulations pertaining to other municipalities in Vermont, other regulations require less than the 64 parking spaces that the Landowner is providing.

[7:05] Landowner Turkanis informed the Board that they are reacting to the present situation while trying to make smart investments that improve the experience for the tenants and their customers, as well as to the investment itself. P. Dwyer sought clarification if the Landowner was screening tenants and was skeptical that a good endeavor/tenant would be turned down. Landowner Turkanis clarified that the likelihood of turning away a good endeavor/tenant would be unlikely since a prospective tenant is likely to screen themselves out if the space was not suitable to begin with. Chair M. McClallen inquired about the number of spaces reserved for CVS; Engineer Griffin responded that there was no set number of parking spaces reserved for CVS; however, there seems to be a sufficient number of spaces to accommodate another endeavor, noting that a restaurant was unlikely.

- [7:08] The Board had no other questions. Applicant Turkanis informed the Board that he understood the complications and that the optimal solution is not ideal because the Starbucks/Chipotle building could not be moved. The proposed reconfiguration is expected to improve the traffic/circulation situation on the site. P. Dwyer informed the Board that the proposed plan was an improvement and requested that the signage be updated, as well as Google Maps and Apple Maps.
- [7:11] Chair M. McClallen adjourned the hearing and provided an overview of the process going forward.

OTHER BUSINESS

7:14 PM

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- [7:14] The Board agreed to reconvene at 12:00 PM on Tuesday, August 23, 2022 in the Downstairs Conference Room at City Hall to deliberate in closed session the evening's applications. Staff Member Strniste then informed the Board about their upcoming schedule.
- [7:16] The Board adjourned the evening's meeting.
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Respectfully Submitted by Andrew Strniste, Planning & Zoning Administrator