

CITY OF RUTLAND, VERMONT

Development Review Board Minutes

Wednesday September 5, 2018

Development Review Board Members: Stephanie A. Lorentz, Al Paul, Jim Pell, Steve Wilk and Mike McClallen.

Members present: Lorentz, McClallen (Chair), Paul, Pell and Wilk. Also present, Zoning Administrator Tara Kelly.

At 6:07 PM Chair McClallen called the first hearing to order. The hearing is to consider a Conditional Use application for 20 Royce Street located within the Mixed Residential-1 district. The applicant would like to convert one of the three residential units into an office use and retain the other 2 residential units as rentals.

Chair McClallen explained the DRB hearing process and that participation in the hearing was a prerequisite to the right to appeal. Anyone wishing to participate in the hearing was given a chance to swear in. He then swore in the applicant: Kimberly Rider and her father Michael Carlin, who would be sharing the office space. The following member of the public was also sworn in:

- Arthur Johnson of 29 Hopkins Street

Several additional members of the public were present in the room, but only observers to the process.

Ms. Rider began by describing her request. She is hoping to purchase the property. The office space would be for use by herself and her father, both therapists. They do not have a receptionist or any other outside employees. They would see clients on an hourly schedule, at most.

Parking was reviewed. Two spaces are available in the front on the westside of the property. There is a driveway on the eastside of the property that goes back to a small garage which is in poor shape and will need to be removed. This will make additional parking possible in the rear with an estimated total of 4 spaces.

Current residents of the two apartments (one bedroom and 2 bedroom) only have one vehicle between them. The front spots on the westside of the property would be designated for residential tenants only.

Office hours of operation will typically be 8AM – 5PM Monday thru Friday with 3 nights per week staying open until 7PM. The office entrance would be through the front door of the building.

Lighting was discussed. Applicants were unclear about current lighting levels.

Mr. Johnson described an issue with stormwater runoff from Royce Street properties onto his property on Hopkins Street which worsened when the rear yard at 22 Royce Street was paved. He is concerned that additional paving in the rear of the lot under review could exacerbate this issue. Ms. Rider said that they do not intend to pave any more than what is currently paved plus the area of the garage (once it is removed).

Chair McClallen explained the decision and appeal process. The hearing was adjourned at 6:22 PM.

At 6:34 PM Chair McClallen called the second hearing to order. This hearing is to consider two applications for 37-41 North Main Street. Changes to the lot and construction of a new building are the subject of Site Plan Review and the desire to use part of the building for retail use is the subject of the Conditional Use application. The property is located within the Gateway Business District-2 district. The applicant would like to demolish the existing building, build a new 6,000 square foot two-unit commercial building with associated site improvements, and use the tenant space for restaurant and/or retail use.

Chair McClallen explained that there is a third hearing scheduled for 7:00 PM. The plan is to begin this hearing, break for the 7:00 PM hearing, and then resume this hearing (if need be).

Chair McClallen swore in the applicant's representatives and anyone wishing to provide testimony or ask questions related to this project. The following people were in attendance for this hearing:

- Jim Goss, Attorney representing Alrig USA (applicant)
- Nicole Kesselring, Enman Kesselring Engineers (Site Engineers)
- Matthew Skelley of Fuss & O'Neill (Traffic Engineers)
- Kathleen Krevetski, 22 Roberts Ave
- Gordon Dritschilo, Rutland Herald
- Julia Purdy, Mountain Times
- David Allaire, Mayor
- Matt Whitcomb, Board of Aldermen and 11 Lafayette St
- Paul Clifford, Board of Aldermen and 42 Hillcrest Rd
- Phil Dwyer, Owner of 45 North Main St
- Christopher Ettori, Board of Aldermen and 44 Engrem Ave
- William Notte, Board of Aldermen and 8 Orchard Dr
- David Cooper, ARC and 12 Upland
- Alvin Figiel, ARC and 20 North St
- Susan Schreibman, Planning Commission and 117 Lincoln Ave
- Peg Flory, 20 North St
- Dave Coppock, ARC and 21 Engrem Ave
- Marilyn Griffith, 132 Maple St
- Dawn Hance, 62 Killington Ave
- Brennan Duffy, Rutland Redevelopment Authority

Mr. Goss began by describing the purpose of the applications. The request is for Site Plan approval for the entire project and Conditional Use approval to allow retail use within the building.

The existing northerly entrance to the site will be closed and all vehicular traffic will enter via the traffic light onto the CVS property. A "Reciprocal Easement and Operating Agreement" was provided to show that use of this entrance and traffic across the CVS lot has been agreed to by the owners of the CVS parcel. Mr. Goss stated it would be acceptable for the DRB to have a condition that this agreement must be executed and operational in order for the project to proceed. Building elevations have been substantially changed to better align with the character of development desired in the City of Rutland.

Matthew Skelley of Fuss & O'Neill was introduced to discuss his analysis of traffic and circulation related to the project. The DRB packet included a lengthy written report of the traffic study to supplement the presentation. Peak hours for the project related traffic would be 7:30 – 8:30AM and 3:30 – 4:30PM.

Trip generation, traffic counts, operation of the signal, turning lane lengths, and more was discussed (recording available). An animation was shown modeling traffic movements during the morning peak hour based upon current VTrans traffic counts, plus the additional traffic projections for the Starbucks plus a restaurant in the second tenant space.

Mr. Skelley explained the analysis was intended to project traffic impacts for all uses of the new building. Specific to a coffee shop is that they rely upon drive-by traffic and therefore 2/3's of the trips related to the coffee shop are represented by vehicles already on the roads. Level of Service at this intersection is currently LOS C (20-30 second delay). The new traffic generated by this project adds some delay within the range of average delays represented by LOS C, but it does not change the overall designation of the intersection.

Mr. Skelley noted that the left-turn lane capacity (vehicles turning into the project from traffic traveling north) is sufficient to handle the capacity of traffic turning into the site. It is estimated based on 95% of demand and shows the need for a 65' to 80' queue length. The length of the lane is now 100'.

Site distances at this intersection were determined to be adequate per VTrans standards. No adjustment to the traffic signal or the turning lane is projected to be needed as a result of this project.

On-site circulation was reviewed. Based upon the City Engineer's memo, special consideration was given to review the function of the drive-thru lane. There is room for 8 vehicles to queue up between the pick-up window and the entrance between the subject property and the CVS property. Starbucks, the intended tenant of the southernmost space within the building, has determined that 8 vehicle lengths is adequate for their operations. The engineer presented a scenario for how vehicular traffic could be managed in the event the 8 vehicle length proves to be inadequate during extreme times (not anticipated to be needed during normal operations).

DRB members asked a number of questions to clarify their understanding of the report and the data.

Chair McClallen asked if anyone from the public had questions regarding the traffic study and presentation. No questions were asked or comments provided.

The hearing was recessed at 6:59PM for the purpose of taking up the third hearing of the evening. Chair McClallen explained this hearing would resume at the close of the hearing regarding 250 Dorr Drive.

At 7:00PM, Chair McClallen called to order the hearing regarding a Site Plan review for 250 Dorr Drive to expand a non-conforming use by greater than 25%. The applicant is Pamal Broadcasting d/b/a Catamount Radio. The applicant's representative, Glenda Hawley, was sworn in. No members of the public were present to participate in this hearing. Ms. Hawley described that the radio station has been adjusting its operation over the past few years. They are seeking to consolidate their operations moving some employees from downtown to this location, which has operated as a radio station for several decades. In order to accommodate this project, the building will be expanded by 1,254 sq ft. The upstairs would be converted for use as a 3-bedroom owner's apartment.

The radio station is a non-conforming use in the Single-Family Residential District. The expansion is more than 25% (it is a 36% expansion). According to the City's Zoning Ordinance, an expansion of greater than 25% is allowable, if permitted by the DRB.

The specifics of the application were discussed. The radio station expects no more than 5 employees to be on-site at the same time. There is parking for up to 7 cars, currently. There is room to expand existing parking, if need be. There is a floodplain area approximately 100' behind the building. This would not encroach on the addition or the ability to expand parking.

Chair McClallen explained the decision and appeal process. The hearing was adjourned at 7:10PM for a five minute break.

At 7:15PM Chair McClallen resumed the hearing for 37-41 North Main Street. Jim Goss introduced Nicole Kesselring to discuss the site plan with respect to traffic circulation on-site. She described how vehicles would move from the CVS property onto the subject property. She described the drive-thru lane function, the 45 on-site parking spaces (9' x 18' in size) with 2 ADA accessible spaces, and the aisle widths of 24' and 26' respectively. Pedestrian access is provided via the sidewalk on North Main Street, extending onto a walkway on the property running alongside the CVS parking lot side and then a pathway across the drive-thru lane into the building.

Ms. Kesselring described an overall east to west slope of property resulting in 7' elevation change from North Main Street to rear of property. The finished floor of building and drive-thru lane will be 2' below the grade of the North Main Street sidewalk and road. Therefore, ADA sidewalk access could only be achieved at southern end of the property. To add a second point of pedestrian access on the northern side of the property, stairs would be need to be built and people would be crossing the drive-thru lane at a second point. It was noted that with the parking area behind the building, the view of the parking lot is shielded from the road.

Mr. Goss asked Ms. Kesselring to continue discussion of the Site Plan review criteria.

An 8' wide planting area is depicted alongside the drive thru lane that includes 4' tall junipers (an evergreen) to shield headlights from road traffic year-round. When asked if the building could be moved back further from the road, it was explained that moving it back would result in a loss of parking lot efficiency. The rain garden at the back of the property is located there in order to capture sheet flow across the parking lot that currently runs off the property and onto the adjacent property. Test pits are planned to determine what needs to be done to construct the rain garden to be effective. This information will be provided to Jim Rotondo, City Engineer for his review.

Why is Starbucks on the southside of the building versus the northern tenant space? Jim G. will find out and provide a response to the DRB.

Flowering plants are provided throughout to provide color. The details of the landscaping plan were reviewed. A cedar tree screen is proposed along the northwest side of the project to provide some screening between this site and the residential uses behind it. The side of the building facing the parking lot was reviewed. No planting / landscaping has been proposed for this westside of the building.

Lighting is provided via 4 downcast pole lights, decorative lights, and other building-mounted lights which are dark-sky compliant. A lighting plan was shared to show no light will go beyond the property boundaries.

Mr. Rotondo's August 31, 2018 memo asked for there to be consideration of a permanent feature to handle the drive-thru capacity beyond 8 cars. Mr. Skelley pointed out that this circulation would be less

than ideal and would radically change the traffic flow through the site if it was necessary. According to Mr. Skelley, Starbucks feels 8 car lengths is sufficient and the permanent feature would be more disruptive than helpful at most times.

Mr. Goss stated that this project will not interfere with any renewable energy features.

Mr. Goss presented evidence that the proposed building incorporates features of the area including pitched roof, multiple gables of varying sizes, horizontal siding, and awnings. The color and stone base was chosen per the City's Architectural Review Committee recommendations. The ARC recommendations captured in an August 29, 2018 memo will be substantially met by the new design. The DRB pointed out that the elevation sheet provided does not capture the details of the architectural features. Mr. Goss will provide further information related to this to solidify how the project will meet the intent of the ARC's five recommendations related to Criterion #1 of this district's Design Criteria.

It was suggested that a sign be installed to call attention to the pedestrian crossing across the drive-thru toward the southside of the building in addition to pavement markings, to make it visible when snow/slush is on the pavement.

The site currently drains toward a catch basin on the property behind this one. An 11% increase in impervious surface and the rain garden designed to infiltrate stormwater will help reduce the amount of runoff beyond the property line.

Snow removal / storage would be toward landscaped areas on the westside of the property but then trucked off, as needed.

All surrounding land uses are commercial (residential to the south is a nursing home). Some buffering has been provided on this side of the property (Cedar trees as shown on site plan).

Mr. Goss continued to review the Design Criteria. Many of these criteria were previously discussed. The location of the dumpster area was called out. It is surrounded by wood fencing (as shown on plan).

Chair McClallen asked if anyone from the public had questions or comments on the site plan as presented.

Dawn Hance mentioned that there were other buildings on this site in the past, denoted on the plans as possible old foundations. She suggested it may be interesting to see what is found as the site is disturbed.

Alvin Figiel spoke about the Architectural Review Committee (ARC) memo. He spoke to Criteria #2 which relates to the request that pedestrian access be created on the north side of the property (in addition to the planned access on the south side of the property). He suggested it may be possible to create an agreement with the parcel to the north in order to achieve this. Mr. Goss stated that Alrig USA wants to minimize conflicts with pedestrians so they are not in favor of any additional potential conflict points. He also said to the best of his knowledge there have not been any conversations with the property owner to the north.

Kathleen Krevetski spoke about the Northwest neighborhood efforts. She said she is speaking on behalf the neighborhood association in saying that the existing building (former Royal's Hearthside) is valued

by the neighborhood as an example of diverse architectural types on one building. They would like to see a plan that involves moving the building to a new location in order to preserve the resource that it is, perhaps as a museum.

Brennan Duffy of the RRA spoke. He said he'd been working with Starbucks for seven years to find a suitable site along the Route 7 corridor. He commended the development team for taking into consideration the suggestions of the ARC with regards to architectural details.

DRB member Paul asked how many seats Starbucks will have. It is expected to have 60 seats.

Mr. Goss then reviewed the Conditional Use application with respect to adding a retail use in the building. He noted that the DRB is charged with considering whether or not the addition of retail at this location will cause a Substantial Adverse Effect on the surrounding area. He reviewed the 6 criteria for this part of the review, often referring back to other information as presented to demonstrate that the addition of retail at this location should be considered favorably, (a recording of the meeting is available for further details.)

DRB member Lorentz asked about how the traffic impact can be analyzed without knowing what the tenant will be in the future. Mr. Skelley explained they use a generic calculation for retail shopping center which tends to be a conservative assumption which overestimates the impact. They also looked at what would happen if an 85 seat restaurant went into the second space. The opinion of the both engineering firms is that both circulation and parking will be sufficient to handle the needs of both types of tenants. Water and sewer services are available and are being updated with new pipes and grease traps as part of this project. Details are being discussed with the City Engineer to ensure they are acceptable to the City.

DRB member Wilk asked for confirmation that a Zoning Permit would still be needed for the new tenant. ZA Kelly said an administrative permit would be needed to confirm the new tenant is in keeping with any decision issued by the DRB.

Chair McClallen asked if there were any questions or comments from the public on this Conditional Use application.

Mr. Clifford asked how many people would be employed by Starbucks. Mr. Goss said 4 per shift covering the hours of 6am – 9PM, 7 days per week.

Chair McClallen explained the decision and appeal process.
Hearing adjourned at 8:05 PM.

Respectfully submitted,
Tara Kelly
Development Review Board Clerk