

**WILLISTON DEVELOPMENT REVIEW BOARD STAFF REPORT**

**DP 09-01.27**

**Discretionary Permit**

**Finney Crossing Lot C-2 Subdivision**

PERMIT NUMBER

REVIEW PHASE

PROJECT NAME

27 & 69 Market Street

08-143-010-502

Rieley Properties, LLC & Snyder FC Properties, LCC

PROPERTY ADDRESS

PARCEL ID NUMBER

PROPERTY OWNER

July 9, 2024

Owner c/o Chris Snyder

Andrew Rowe, P.E.

HEARING DATE

APPLICANT

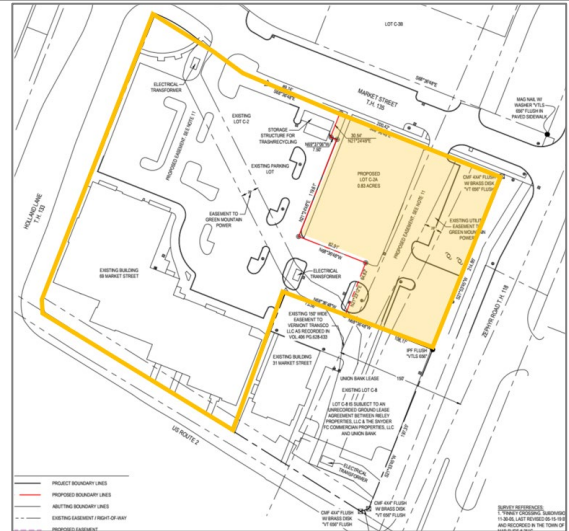
REPRESENTATIVE

**BRIEF SUMMARY OF REQUEST**

This is a discretionary permit request to subdivide Lot C-2, a 3.08-acre parcel, into two parcels:

- Lot C-2, 2.25 acres, 69 Market Street (Building E/ L.L. Bean)
- Lot C-2A, 0.85 acres, 27 Market Street (Building A)

Building A is the last footprint remaining in Finney Crossing – a master planned development that began its permitting 21 years ago in 2003. Building A has an approved design and, pending submission of administrative final plans, can begin construction soon.



3.08 acres

Commerical

No Change

Town Road(s)

PROPERTY SIZE

CURRENT USE

PROPOSED USE

ACCESS

Taft Corners Form Based Code

No

No

N/A

ZONING DISTRICT

DESIGN REVIEW

CONSERVATION REVIEW

ADVISORY BOARDS

**APPLICABLE BYLAW CHAPTERS:**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> 2. Nonconforming Lots, Uses, and Structures | <input type="checkbox"/> 16. Maintenance                                     | <input type="checkbox"/> 24. Outdoor Lighting              |
| <input type="checkbox"/> 4. Permit Exemptions                        | <input type="checkbox"/> 17. Non-Residential Accessory Uses and Structures   | <input type="checkbox"/> 25. Signs and Public Art          |
| <input type="checkbox"/> 10. Boundary Adjustments                    | <input type="checkbox"/> 18. Compatibility, Potential Hazards, and Nuisances | <input type="checkbox"/> 26. Street Trees                  |
| <input type="checkbox"/> 11. Growth Management                       | <input type="checkbox"/> 19. Density, Transfer of Development Rights         | <input type="checkbox"/> 27. Conservation Areas            |
| <input checked="" type="checkbox"/> 12. Subdivisions and Final Plans | <input type="checkbox"/> 20. Residential Improvements                        | <input type="checkbox"/> 28. Special Flood Hazard Areas    |
| <input type="checkbox"/> 13. Access, Connectivity, Traffic Studies   | <input type="checkbox"/> 21. Telecommunication Facilities                    | <input type="checkbox"/> 29. Watershed Health              |
| <input type="checkbox"/> 14. Off-Street Parking and Loading          | <input type="checkbox"/> 22. Design Review                                   | <input checked="" type="checkbox"/> 31-42. Zoning District |
| <input type="checkbox"/> 15. On-Site Infrastructure                  | <input type="checkbox"/> 23. Landscaping                                     | <input type="checkbox"/> 43-45. Impact Fees                |

*Chapters 1, 3, 5-9, 30, 46 and Appendices are not usually discussed in DRB staff reports.*

**RECOMMENDED ACTION**

Take Testimony & Close

Tonight

Approve

HEARING<sup>1</sup>

DELIBERATE<sup>2</sup>

DECISION<sup>3</sup>

*Procedural notes: <sup>1</sup>When continuing, the DRB must specify reason or request additional information and announce a date certain. <sup>2</sup>The DRB cannot deliberate or decide until a hearing has been closed. <sup>3</sup>The DRB has 45 days to issue a decision after closing a hearing.*

Staff recommends approval of the subdivision, with standard conditions as drafted.

## PROJECT HISTORY

This is the first time the DRB is reviewing this application. History for Lot C-2 includes:

<b>January 5, 2024</b>	AP 24-0071	FBC Certificate of Conformity Notice of Decision letter for Building A at 27 Market Street
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
<b>July 23, 2021</b>	AP 22-0005	Building E administrative permit.
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION
<b>June 8, 2021</b>	DP 09-01.22	DP. Site layout and architectural design for Building E. This approval included the Building A footprint and shared parking lot.
DATE OF APPROVAL	PERMIT NUMBER	DESCRIPTION

## ADVISORY BOARDS

Checked boxes indicate that a finding, conclusion, or condition must be drafted by the DRB

<input type="checkbox"/>	<b>CONSERVATION COMMISSION (WCC)</b>	N/A	N/A
	NAME	TRANSMITTAL DATE	CONDITION
<input type="checkbox"/>	<b>HISTORIC AND ARCHITECTURAL ADVISORY COMMITTEE (HAAC)</b>	N/A	N/A
	TRANSMITTAL DATE	TRANSMITTAL DATE	CONDITION

## INTERDEPARTMENTAL REVIEW

Checked boxes indicate that a finding, conclusion, or condition must be drafted by the DRB

<input type="checkbox"/>	<b>PUBLIC WORKS</b>	June 12, 2024	N/A – No comments
	DEPARTMENT	MEMO DATE	CONDITION
<input type="checkbox"/>	<b>FIRE</b>	July 2, 2024	N/A – No comments
	DEPARTMENT	MEMO DATE	CONDITION
<input type="checkbox"/>	<b>POLICE</b>	N/A	N/A
	DEPARTMENT	MEMO DATE	CONDITION
	NOTES: Public Works and Fire Depts did not have comments on the subdivision. Their comments as it pertains to site development were handled through the “Certificate of Conformity” administrative review process.		

## PUBLIC COMMENT

No comment letters were received at the time of mail out (July 3, 2024).

NAMES: N/A

## STAFF COMMENT

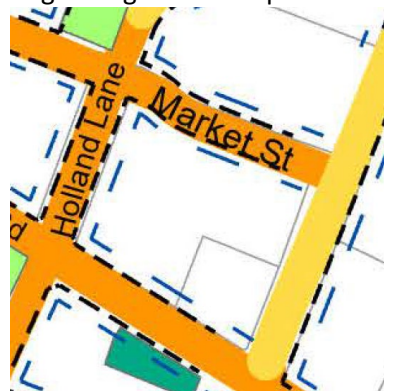
The WDB was amended in June 2024. The Taft Corners Form-Based Code “Overlay District” per WDB Appendix F was converted to a “Zoning District” as WDB Chapter 32. WDB Chapter 32 was formerly the ‘Business Park Zoning District’ which no longer exists. The Taft Corners FBC Zoning District is NOT to be confused with the Taft Corners Zoning District (TCZD) per WDB Chapter 42. TCZD still remains in two areas near The Annex and PetSmart/REI.

The DRB may recall a similar subdivision in Finney Crossing (DP 09-01.26; June 27, 2023) to subdivide Lot C-3 prior to the permits for the hotel (AP 23-0188; October 4, 2023) and 40-unit apartment building (AP 24-0102; May 22, 2024). The key difference here is Building A footprint is vested in the approved site plan that existed prior to Form-Based Code, and thus subdivision was not required prior to the Certificate of Conformity for Building A.

**PROJECT ELEMENTS**

Checked boxes indicate that a finding, conclusion, or condition must be drafted by the DRB.

<input type="checkbox"/> <b>Subdivision; Final Plans</b>	<b>Standard</b>
WDB 12	DECISION
Complies as proposed with the plat and monument requirements of WDB 12. While most development activities can be approved administratively in the Taft Corners Form-Based Code Zoning District, the bylaw still requires that subdivisions receive approval from the DRB.	

<input type="checkbox"/> <b>Taft Corners Form-Based Code Zoning District</b>	<b>Standard</b>
WDB 32	DECISION
<b>Dimensional Standards</b>	
Complies as proposed. Lot C-2A has 200.42’ of Town Center Frontage (orange) on Market Street. Lot C-2A can accommodate a building in compliance with the building frontage limitations (60’ minimum; 180’ maximum).	
<b>Regulating Plan</b>	
Complies as proposed. This BLOCK FACE has a length greater than 360’ and a proposed lot length greater than 200’. The existing pedestrian way (between Building E/Men’s Warehouse and Union Bank and alongside Building A) meets the through-access requirement of WDB 32, Section 2.C.2, “Lots with over 200 feet of street frontage must meet the through-access requirement within their lot, unless already satisfied within that block face.”	
<p><b>Block Area Description:</b> Lot C-2 and C-8 make up a block that is bounded by Market Street (north), Zephyr Road (east), Holland Lane (west), and Williston Road/Route 2 (south). This block is constrained by the VELCO easement on the eastern end along Zephyr Road. VELCO restrictions are factored into the Regulating Plan (ex. No RBL under VELCO easement because VELCO prohibits buildings under it). Prior to FBC adoption, Lot C-2 was developed with Building E and Building A footprint designed and contemplated in the design. The existing curb cuts and driveway access form the block’s ALLEY. Lot C-2A has “Town Center” frontage, designated in dark orange, where building façade must consume 80% of the RBL and frontage is min. 60’ to max. 180’ per WDB-F 3.2(C).</p>	<p>Regulating Plan excerpt:</p> 

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## **DECISION AND MOTION**

### **FINDINGS OF FACT**

1. The applicant proposes to subdivide Lot C-2 (3.08 acres) into two lots: C-2 (2.25 acres) and C-2A (0.85 acres)
2. Lot C-2 shares a block, as defined in Form-Based Code, with Lot C-8 (Union Bank). Building B (Union Bank, 31 Market street, Lot C-8) and Building E (L.L.Bean, 69 Market Street, Lot C-2) were developed and master planned under DP 09-01 prior to the adoption of Form-Based Code.

### **CONCLUSIONS OF LAW**

1. The subdivision proposed as part of this discretionary permit complies with the requirements of WDB 32 and subdivision requirements of WDB 12, as well as all other applicable sections of the WDB if the proposed development meets the conditions of approval listed below.
2. The proposed subdivision complies with WDB Chapter 32 Section 2 Regulating Plan as it pertains to lot dimensional requirements.

### **CONDITIONS OF APPROVAL**

1. The applicant shall file final plans for approval and signature by the DRB or Administrator as delegated within one year from the date of the notice of determination of the decision of the DRB, or this approval shall be considered null and void as required by WDB 6.9.1. Final plans must address all of these conditions of approval and must include all items required by the Final Plans Checklist.
2. Final plans shall be in conformance with all of the WDB requirements and standards, and conditions of approval as required by the DRB. The memos from Public Works Dept and Fire Dept did not have any comments to reference herein.
3. Any other required legal documents, such as easement agreements, shared parking agreements, offers of dedication of land, or warrantee deeds shall be submitted to the town staff and shall be subject to the approval of the town's attorney prior to the signing of final plans.
4. All development approved by this decision shall conform to the final plans unless authorized by the DRB as described in WDB 6.10.
5. In accordance with WDB 6.7.4, discretionary permits approved for non-residential development shall have one year from the date the final plans are signed to obtain administrative permits in accordance with the provisions of WDB Chapter 5, or the discretionary permit approval shall expire.
6. Prior to obtaining any administrative permits associated with this development proposal, the applicant shall provide full payment of any required impact fees as specified under WDB Chapter 45.
7. Prior to obtaining any administrative permits for this development proposal, the applicant shall obtain any necessary sewer allocation for the proposed development and shall provide documentation of allocation with their permit application.

8. The applicant shall obtain any and all required permits and authorizations as required by either the State of Vermont or the U.S. Army Corps of Engineers prior to commencing any work in association with this project as specified by WDB 1.3.1, and shall provide documentation of any applicable state or federal permits.
9. This approval incorporates by reference all application forms and checklists, the plans and drawings presented by the applicant, and all verbal representations made by the applicant at the Development Review Board meetings and hearings regarding the subject application to the extent that they are not in conflict with other conditions or regulations WDB 1.3.4.
10. No occupancy or use of any proposed buildings shall take place until a certificate of compliance has been issued signifying that all conditions of any required permits from the Town have been satisfied. Verification that the Williston Fire and Public Works Departments' requirements have been satisfied shall also be required prior to the issuance of a certificate of compliance.

### **MOTION**

**As authorized by WDB 6.6.3, I, \_\_\_\_\_, move that the Williston Development Review Board, having reviewed the application submitted and all accompanying materials, including the recommendations of the town's staff and the advisory boards required to comment on this application by the Williston Development Bylaw, and having heard and duly considered the testimony presented at the public hearing of July 9, 2024, accept the Findings of Fact and Conclusions of Law for DP 09-01.27 and approve this Discretionary Permit subject to the Conditions of Approval above.**

**This approval authorizes the applicant to file final plans, obtain approval of these plans from staff, and then seek an Administrative Permit for the proposed development, which must proceed in strict conformance with the plans on which this approval is based.**