



City of Stamford
Zoning Board

STAFF REPORT

TO: CITY OF STAMFORD ZONING BOARD

FROM: VINEETA MATHUR, ASSOCIATE PLANNER

SUBJECT: ZB #221-06, 221-07 Henry Street, Text Change and Zoning Map Change

DATE: May 17, 2021

MASTER PLAN: Master Plan Category 4 (Residential Medium Density Multifamily) & Master Plan Category 6 (Commercial Arterial)

ZONING: NX-D (Neighborhood Mixed Use), R-MF (Residential Multifamily), C-B (Commercial Business)

Introduction

The Applicant, Hogg Holdings requests approval of a Zoning Text amendment and a Zoning Map Change related to properties 67, 648, 686, 690 & 692 Pacific Street and 171 Henry Street.

Background

The applications concern a group of properties in the South End which include the South End Firehouse and properties in its vicinity. The properties 670 Pacific Street (South End Firehouse), 686 Pacific Street (Parking lot) and 171 Henry Street (Single Family Home) were part of a previous Zoning Board application which included rezoning to NX-D for the firehouse and the parking lot and retaining the single family home on Henry Street. The Tabernacle Grace Church (648 Pacific Street), The New Hope Christian Community church (690 Pacific Street) and the residential building at 692 Pacific Street were not part of the previous application. The applicant seeks to unify the zoning along the Pacific Street frontage to the Village Commercial zoning district and amend the zoning text to add zoning tools which will allow distribution of development rights across properties to facilitate preservation of historic buildings while facilitating redevelopment of underutilized sites.

Proposed Text Amendment

The Applicant proposes three additions to Section 3.B. Defined Terms including “Tax Lot”, “Zoning Lot” and “Zoning Lot Development Agreement” and amend portions of V-C district regulations.

I. Addition of Defined Terms “Tax Lot”, “Zoning Lot” and “Zoning Lot Development Agreement”

The three proposed terms will collectively provide a framework which allows adjoining property owners to enter into a legally binding agreement to create a Zoning Lot (to be approved by the Zoning Board). The Zoning Lot provision will apply to C-D, CC, C-G, DW-D, MX-D, R-HD and V-C district (outside Glenbrook and Springdale).

A Zoning Lot would allow contiguous properties to plan development such that the overall Zoning Lot conforms to the underlying Zoning District requirement but the constituent tax lots may modify internal setbacks, redistribute floor area, density and required off-street parking requirement between the individual tax lots.

The first amendment is the addition of the definition of a Tax Lot which is the fundamental component of a development parcel.

Tax Lot

A *Tax Lot* is a tract of land under single ownership and identified as such on the City of Stamford Tax Assessor’s Tax Map.

Staff recommends approval of this term.

The second amendment is the addition of the definition of a Zoning Lot.

Zoning Lot

1. A *Zoning Lot* is (a) an individual tax lot or (b) a tract of land subject to a *Zoning Lot Development Agreement* which consists of two or more individual *Tax Lots* under common or separate ownership that, for Zoning purposes only, is treated as one Lot. A *Zoning Lot* comprised of multiple *Tax Lots* which are not proposed to be consolidated must meet all of the following requirements:

a. Each *Tax Lot* that is part of the *Zoning Lot* must be contiguous to and share a lot line at least twenty feet (20’) in length with at least one of such other *Tax Lots* and must not be separated by public streets.

This provision ensures that Zoning Lots are connected and resulting in a predictable development pattern for block fronts.

b. The *Zoning Lot* must conform and comply with the respective Zoning District requirements. If a *Zoning Lot* is located in more than one Zoning District, buildings or structures must meet the height, setback and use requirements of the respective District, and *FAR* and other *Density* calculations must be based on the area of land in the respective Zoning District. Existing nonconformities may remain, but shall be deducted from the overall development rights where applicable.

This provision ensures that portions of a Zoning Lot within different Zoning District each comply with the requirement of that district.

c. All *Development* on a *Zoning Lot* that is located in more than one Zoning District, regardless of the size of the *Zoning Lot* or the portion of the *Zoning Lot* located in each District, shall be subject to administrative Site and Architectural Plan review and approval by the Zoning Board, pursuant to Section 7.2 of these Regulations, unless the respective Zoning Districts require other mechanisms for Site and Architectural Plan review.

Developments within Zoning Lots shall be subject to administrative site plan review by the Zoning Board at the minimum unless other mechanisms for approval such as a public hearing is required based on other provisions in the Zoning Regulations.

d. *Setbacks* along adjoining *Tax Lot* Lines interior to the *Zoning Lot* may be modified or waived as agreed upon by the property owners.

This provision allows for interior setbacks to be modified or waived where the property owners agree allowing a comprehensive site plan with meaningful open spaces and elimination of redundant setbacks such as those between blank walls and garages.

e. *Floor Area*, *Density* and required off-street parking may be transferred, distributed or allocated throughout the *Tax Lots* comprising the *Zoning Lots* as agreed upon by the property owners provided that a proposed *Building* or *Structure* may not exceed the *Height*, *Setback* and *Light and Air* regulations of the respective Zoning District in which it is located, and provided the development remains compliant with item (b) above.

Redistributing of floor area, density and off-street parking spaces facilitates preservation of the existing neighborhood fabric while allowing redevelopment where feasible. The development thus created must still comply with the Height, Setback and Light and Air regulations of the underlying Zoning District which ensures adequate separation of buildings and predictable building height.

f. Shared driveways and other features to reduce curb cuts and impervious surface are strongly encouraged.

Minimizing curb cuts facilitates pedestrian friendly development and reduces impervious areas.

g. *Zoning Lots* comprised of more than one *Tax Lot* shall only be permitted if all individual *Tax Lots* are located in one or more of the following districts: C-D, CC, C-G, DW-D, MX-D, R-HD, and V-C outside of Glenbrook and Springdale; or when subject to Special Permit approval pursuant to Section 7.3.D.5.

This provision limits the applicability of the Zoning Lot provision to a finite list of commercial and multifamily districts where developments typically span multiple tax lots and poses challenges related to internal lot lines during comprehensive planning for sites.

2. A *Zoning Lot* is a discretionary approval by the Zoning Board subject to a *Zoning Lot Development Agreement*. The Zoning Board may deny *Zoning Lot* approval for any reason including but not limited to:

a. The *Zoning Lot* created would allow for development inconsistent with the *Master Plan*.

b. *Development* on a *Zoning Lot* would create a significant adverse impact on neighboring properties or neighborhood character as compared to as-of-right development.

This provision allows the Zoning Board to make a decision regarding whether the proposed Zoning Lot enhances or negatively impacts the neighborhood and its consistency with the Master Plan.

The third proposed term definition is a Zoning Lot Development Agreement

Zoning Lot Development Agreement

A *Zoning Lot Development Agreement* is a private, legally binding agreement between the owners of two or more adjoining individual *Tax Lots* under common or separate ownership that allow these lots to be considered as one *Zoning Lot* to permit the more rational development of said *Tax Lots* in particular with regard to *Yard* requirements, building separation requirements such as *Setbacks* and *Light and Air*, and shared facilities such as parking. *Tax Lots* that are to be consolidated into a single *Tax Lot* shall not require a *Zoning Lot Development Agreement*.

A *Zoning Lot Development Agreement* must meet all of the following requirements:

1. The property must meet the definition of a *Zoning Lot*.
2. The *Zoning Lot Development Agreement* must be recorded on the land records of all affected properties and specify which density or other development rights or requirements are transferred, distributed or allocated on each *Tax Lot*. The *Zoning Lot Development Agreement* shall be subject to all existing legal rights, obligations and limitations (e.g., easements).

A *Zoning Lot Development Agreement* may not be terminated unless each of the individual *Tax Lots* comprising the *Zoning Lot* is in compliance and conformance with the regulations of the applicable *Zoning District*.

The Zoning Lot agreement will ensure that the parameters of the Zoning Lot are recorded in the Stamford Land Records and all mutually agreed provisions regarding internal setbacks, floor area, density and location of parking is recorded. Termination of the agreement will require that each individual Tax Lot is brought in compliance and conformance with the regulations of the applicable Zoning District.

Amendments to the Village Commercial District regulations

Three minor changes to the V-C regulations are proposed.

II. Amend Article III, Section 4.B.7 (V-C Village Commercial District) subsection 4.B.7.c. (Development Standards) by adding reference to footnote 1 to the heading titled “V-C Arterial Street all other V-C Districts and adding reference to footnote 2 to the heading titled “V-C Side Street all other V-C Districts”.

This is a housekeeping change and clarifies the current provisions.

III. Amend Article III, Section 4.B.7 (V-C Village Commercial District) subsection 4.B.7.c. (Development Standards) Footnotes 1 and 2 by changing “100” to “150” in each sentence.

- 1) Standards apply for development parcels and parts thereof in all V-C districts within ~~100~~ 150’ of an *Arterial Street*, as defined in Subsection 4.B.7.c(12).

2) Standards apply for development parcel and parts thereof in all V-C districts on Side Streets more than ~~400~~ 150' from an Arterial Street, as defined in Subsection 4.B.7.c(12) below.

This change from 100' to 150' will allow design flexibility for the section of the building along the arterial street before the building steps down towards the side street.

IV. Amend Article III, Section 4.B.7. (V-C Village Commercial District) subsection 4.B.7.c. (Arterial Streets) by adding the following language:

Pacific Street (from Dock Street to Ludlow Street)

Addition of Pacific Street will allow the Arterial Street standards to apply along Pacific Street. Pacific Street is a commercial street and will benefit from mixed use development. The additional height allowed along the Arterial Street is appropriate for Pacific Street.

Zoning Map Change

The Applicant proposes rezoning parcels 670, 648, 686, 690 and 692 Pacific Street and a portion of 171 Henry Street to the Village Commercial Zoning District will allow for an appropriate scaled mixed use development which together with provisions of Zoning Lot allow preservation of the existing community resources such as the South End Firehouse and the Tabernacle of Grace Church while allowing development on currently underutilized sites. The existing Zoning Designations are a mix of R-MF, N-XD and C-B. The proposed change will unify the zoning to V-C along Pacific Street between Henry Street and Ludlow Street.

Referral Comments

Stamford Planning Board

The Stamford Planning Board, during its regularly scheduled meeting held on March 11, 2021 recommended approval of the text change application. The Planning Board in a separate letter dated March 11, 2021 found the map change request to be compatible with the neighborhood and consistent with Master Plan Category #4 (Residential – Medium Density Multifamily) and Master plan Category 6 (Commercial Arterial). The Planning Board also forwarded a letter from the South End NRZ regarding

City of Stamford Engineering Bureau

In a letter dated March 12, 2021, Willetta Capelle, Coordinator of Site Plan Reviews and Inspections at the Engineering Bureau stated that the department had no objections to the application and noted considerations for site water quality improvement prior to the issuance of a Building Permit.

Traffic Transportation and Parking Bureau

In a letter dated April 5, 2021, Frank Petise, Interim Bureau Chief, Traffic Transportation and Parking Bureau stated that the department supported the text amendment and the zoning map change to Village Commercial district which will facilitate transit oriented pedestrian friendly development.

Department of Energy and Environmental Protection

Karen Michaels, in a letter dated March 10, 2021 stated that DEEP had no objections regarding the applications and found them consistent with the Connecticut Coastal Management Act (CCMA).

Summary

Staff recommends approval of the proposed Zoning Text Change which will establish the Zoning Lot and related terms in the Zoning Regulations facilitating better site plans. The Zoning Map Change to the Village Commercial district for the subject properties will facilitate a cohesive development plan for the area consistent with the character of the Pacific Street corridor and consistent with the City's policies for the area.