

January 18 2022  
 Zoning Commission  
 Planning Staff Review

**Application:**

*Text Amendment - Petition of GOLD COAST PROPERTIES LLC seeking to repeal the existing §5.3 & related sections & replace with a new §5.3 titled "Planned Residential District" allowing for multifamily residential housing in RM-1 Zones & RS-3/RS-4 Zones along both the east & west sides of Broadbridge Ave for a depth of 200 ft on each side of the street between Barnum Ave (to the south) & Emerald Pl (to the north)*

*\*A Coastal Site Plan Review has also been submitted with this application*

**Assessment of Proposed Text Amendment**

The proposed text amendment seeks to repeal §5.3 in its entirety and replace with a new §5.3 titled "Planned Residential District." On November 17, 2021, the Planning Commission gave the subject petition a favorable recommendation with additional recommended changes. The Planning Commission's recommendation letter has been attached for review. The Zoning Commission is tasked with determining whether or not the proposed text amendment application is consistent with the Town of Stratford's Plan of Conservation and Development and an appropriate policy change regarding multifamily housing.

As background, the existing §5.3 discusses the establishment of residence apartments and the numerical cap on the number of bedrooms by neighborhood, which limit the number of apartment developments within the Town of Stratford. §5.3 discusses development standards such maximum coverage, height, parking and the allowable density by zone as seen below in Figure 1.

Figure 1 – Residence Apartment Density by District

Units Per 40,000 square feet of Lot Area (See Section 1.1)	
RS-1	3.5 units
RS-2	4.0 units
RS-3	6.0 units
RS-4	6.0 units
RM-1, CA, LB, LBB	11.5 units

Most importantly, in the existing §5.3.5, a numerical cap has been set of 604.5 bedrooms for all residence apartments in Stratford. It should be noted that in 2021, the Connecticut State Legislature, in the recently adopted Public Act 21-29, has prohibited numerical caps on multifamily dwellings, which is the intent of §5.3.3. This cap has been maxed out since 2016. Therefore, no apartment developments are allowed unless they either 1) comply with the affordable housing standards in CGS 8-30g or 2) exempted by text amendment (TOD Overlay

Zone, OPD). Since 2016, the Office of Planning and Zoning has encouraged its land-use boards the repeal and replace §5.3 with context sensitive policy in order to meet the housing needs of the community. Multiple recommendation reports were provided by staff to the however were never formally considered.

Below is an assessment of the proposed regulation:

1. In 5.3.2, the applicant states that PRDs will be allow on parcels of more than 1 acre that fall within RM-1 and RS-3/RS-4 zones that are along both sides of the street between Barnum Ave and Emerald Place. The Commission may choose to inquire why they have chosen these locations to provide context to the discussion.
2. According to 5.3.4.2, each proposed PRD for individual projects can potentially have a variety of allowed uses. Some might be solely residential while other could allow for other uses. While mixed-use development can be attractive in some areas it may not be appropriate in other. Language regarding allowable uses should be strongly considered as part of this text amendment as it will have the ability to change with each PRD application.
3. According to 5.3.4.3 the maximum allowable lot coverage is 60%. For context, the RM-1 zone allows for 33.3%, while the TOD Zone in Stratford Center, which allows for the highest density, only allows 40% building coverage. The Commission may inquire why they are proposing significantly more than what is currently allowed in other high-density zones. One would assume that the intensity of development should taper off as you move away from Stratford Center and the train station. This regulation does the opposite.
4. Regarding 5.3.4.4, the applicant discusses parking facilities. Does a parking facility include a parking garage or are they only referring to surface parking? Parking facilities should be changed to specify surface or subsurface parking only.
5. According to 5.3.4.5 a minimum of 10% of the total land area shall be useable open space and landscaping, with a 10-foot rear yard buffer and 6-foot side yard buffer. This appears to be too small are percentage for an area that is not Stratford Center. Why was 10% chosen as a number? For context, the TOD requires a minimum of 15% open space. As mentioned above, one would assume that the intensity of development should taper off as you move away from Stratford Center and the train station. This regulation does the opposite.
6. According to 5.3.4.6, the maximum building height would be 35' and unit density 35 units per acre. For context, an RM- Zone currently allows for 11.5 units per 40,000 square feet (a little less than an acre). The TOD allows for 50 bedrooms per 40,000 square feet. The proposed density seems too intense in relation to other densities in Town and it is recommended this number be lowered to a maximum range of 15-18 bedrooms per 40,000 square feet.
7. Regarding 5.3.4.7, the Commission should require that all utilities be underground and that all meters shall be screened and not visible from the public rights-of-way.
8. Per the Planning Commission's recommendation, a subsection **d**) should be added to 5.3.4.8 that reads: *d) All Complete Streets and sidewalk policies shall be adopted by each PRD proposed for development and each development shall have on-site bicycle storage.*
9. Regarding 5.3.4.9, the Commission may consider requiring refuse areas to either be inside the building or completely enclosed within an accessory structure with four walls and roof, with design elements that match the aesthetics of the principal structure.

10. Regarding 5.3.4.10, the Commission may consider requiring that the Tree Warden approve the planting plan for each PRD development.
11. Regarding 5.3.4.6, the language needs to be stronger regarding materials allowed. The Commission should consider replacing the proposed first sentence of 5.3.4.6 with the following: *Building facades and site improvements significantly exposed to public view shall be constructed with high-quality, durable exterior materials. Use of lesser-quality materials, including, but not limited to, masonite paneling, sheet tile, simulated brick, pegboard, vinyl and aluminum siding, external insulation and finish systems, plastic laminate and canopies and awnings made of vinyl is prohibited.*
12. The applicant's text has proposed several sections with the same section number but different topics. The below sections must be eliminated and reorganized to be sequential and improve understandability:
  - a. 5.3.4.6 – one discusses *Building Height* (p. 4) and *Density* and the other *Architecture* (p. 5)
  - b. 5.3.4.7 – one discusses *Utilities* (p. 4) and other discusses *Natural Features* (p.6)
13. Regarding 5.3.4.7 in the *Natural Features* (p. 6) section, the Commission should eliminate the words, "When reasonable prudent and feasible"
14. Regarding 5.3.5, the text should be revised to say: *All applicants seeking PRD approval and a Development Plan shall request a Design Review with the Planning and Zoning staff, who will coordinate a review session all relevant department staff. It is the applicant's responsibility to coordinate meeting with any staff independently should they not be able to attend the Design Review session.*
15. Regarding 5.3.7, *Development Concept Plan* should be changed to *Development Plan* throughout the entire document to eliminate ambiguity. The Commission and staff will require a fully developed plan of development, not a conceptual plan, to effectively evaluate a project.
16. All sections following and including 5.3.6 should be eliminated as they are cumbersome, unnecessary and inconsistent with procedures within the Zoning Regulations. All PRDs should be considered by Special Case approval only.
17. Regarding 5.3.7(k), the words "*preliminary*" and "*generalized*" should be removed. It is the goal to have well-conceived plans for the Commission and staff to consider. Generally, minor modifications to floor plans are approved by staff administratively.
18. Regarding 5.3.8, it is unclear what the proposed text is saying. The fee should be based on the Special Case fees identified in the fee schedule as approved by the Zoning Commission.
19. Regarding 5.3.9, the applicant indicates that prior to acceptance of an application, the "*Commission may authorize the preparation of such independent reports and analyses.*" Staff should be left to make this determination initially and the Commission may choose to request additional reports or analyses during the public hearing. This holds the applicant accountable for submitting a well-conceived project from the start as opposed to critical information being submitted incrementally. If the applicant chooses not to provide relevant reports or analyses in their initial submittal, it is at their own peril.
20. The following sentence should be added to 5.3.9: *Any application that requires prior review or approval from relevant agencies, boards or commission such as but not limited to, the Inland Wetlands and Watercourses Commission, Waterfront Harbor Management Commission, Historic Commission, Zoning Board of Appeals or Planning Commission,*

*these recommendations or approvals shall be secured prior to submitting for Special Case approval.*

21. Regarding 5.3.11, as the Development Plan approval is to be considered a Special Case per the proposed text amendment, the *Findings Required for Approval* should be identical to the Special Case and Site Plan Review criteria and objectives in the existing 20.2.1 and 20.2.2. A new 5.3.11(j) should be added that states the following: *(j) The Development Plan shall be consistent will all criteria and objectives identified in 20.2.1 and 20.2.2 regarding Special Cases and Site Plan Reviews.*
22. Regarding 5.3.15, the *Additional Limitations* involved with extensions, expirations and longevity of the proposed PRD is confusing and difficult to track with limited staff.
23. Regarding 5.3.16, the Commission should have the applicant explain the variance procedure on modifications to PRDs and Development Plans. It appears as if the applicant is exempting themselves from any variances triggered from the modification process, which is strongly discouraged.
24. On page 13, which discusses additional sections of the Zoning Regulations that need to be modified as a result of the proposed text amendment, the following additional changes would need to be made:
  - a. Table of Contents, “5.3 RESIDENCE APRTMENTS” should be changed to “5.3 PLANNED RESIDENTIAL DEVELOPMENTS”
  - b. In the heading of 6.2, LBB DISTRICTS, the phrase “residence apartments” would need to be eliminated.
  - c. In the zone development table in 7.4, “residence apartments” would need to be changed to “Planned Residential Developments”
  - d. Regarding parking space requirements, the entire 12.5.2 would need to be revised to reflect the needs of residence apartments less that 8 units. The section could not be left as is, if the proposed text is approved. The applicant should have revised this section according.
25. Additional comments/questions:
  - a. The Commission may choose to have the applicant explain to the how a typical application would make its way through the submittal and approval process. The Commission is strongly advised to avoid any prior administrative reviews or an approval structure that creates multiple appealable decisions that may jeopardize the timeliness of the process.
  - b. The applicant should have created a definition section, defining both *Planned Residential Development* and *Development Plan*.
  - c. Is there a minimum or maximum threshold for developments to qualify for a PRD? The Commission should inquire how the applicant arrived at the proposed density of 35 units per acre.
  - d. Regarding parking, the existing residence apartments required 2 bedrooms + required 2 parking spaces; 1 bedroom/efficiency required 1.5 parking spaces; Guest parking of 10% of the total spaces required. The parking requirements in new 5.3.4.4 is 1 bedroom/efficiency requires 1 space; and an additional 0.24 for each bedroom in excess of 1 bedroom. This is a significant reduction in existing parking requirements that does not appear to be tied to public transportation accessibility or neighborhood walkability.

- e. In 5.3.1(L) the applicant indicates that the proposed text amendment will encourage and allow smaller scale multifamily developments. In comparison to what – affordable housing developments? At 35 units per acre (43,560 square feet), this does not appear to be smaller scale considering the previous regulation only allowed 11.5 units per 40,000 square feet. If the intent is to encourage and allow smaller scale multifamily development, it is recommended this number be lowered to a range of 15-18 bedrooms per 40,000 square feet. This would be considered a significant increase of ~ 43% from the previously allowed 11.5 per 40,000 square feet.
- f. The Commission should require an inclusive zoning approach, requiring a percentage of units be deed restricted as affordable units to allow the Town to continue its progress towards providing 10% of its housing stock as affordable per CGS 8-30g.

**Consistency with the Plan of Conservation & Development:**

On November 16, 2021, the Stratford Planning Commission made the following findings regarding consistency with the Plan of Conservation and Development:

Relevant POCD recommendations:

**Land Use**

- *Update the Town of Stratford Zoning Code to reflect the Future Land Use Plan that will provide for increased development opportunities in appropriate areas, protect the character of neighborhoods, and maintain the town’s important waterfront and open spaces*
- *Update the Zoning Code to facilitate planned developments (mixed use)*

**Housing**

- *Consider a variety of housing types available in town during the development review process*

**Sustainability**

- *Update the town’s zoning to provide for sustainable development patterns that support density, walkability and conservation*

Relevant recommendations of Housing Strategies of Stratford document:

**10.4. Enable Smaller Scale Multi-Family Housing**

1. Consider modifying the zoning regulations to encourage or allow smaller scale multifamily developments which:

- *Fall in between single-family housing and large-scale multi-family developments*
- *Might include the following types of housing while maintaining the scale and/or appearance of residential homes/buildings:*

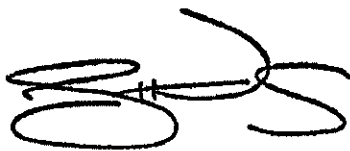
- *Two-family dwelling*
- *Three-family dwelling*
- *Four-family dwelling*
- *5+ unit building*
- *Townhouses*
- *Courtyard apartments*
- *Cottage court*
- *Live-work units*

*The proposal is also consistent with the Future Land Use map of the POCD, since all of the parcels proposed to be included in the PRD are envisioned to be part of high density residential or medium density uses.*

## **Conclusion**

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After analysis, the proposed text amendment appears to be both consistent and inconsistent with the Town of Stratford's 2013 Plan of Conservation and Development. The suggested modifications above would increase the level of consistency with the POCD and should be strongly considered by the Zoning Commission. It should be noted that by not requiring an inclusive zoning approach (requiring 15-20% be deed restricted per 8-30g), the Town would be widening the gap that needs to be crossed to reach a 10% affordable housing stock. While the proposed text amendment is well intentioned and a powerful tool to provide more diverse housing options, it appears as though there are too many modifications that need to be made in order to be consistent with the POCD and warrant an approval from the Zoning Commission. The Commission may choose to deny this application without prejudice, allowing the applicant to make modifications and return with a more complete proposal.



Jay Habansky, AICP  
Planning & Zoning Administrator

November 17, 2021

Christopher Silhavey, Chairman  
Stratford Zoning Commission  
2725 Main Street  
Stratford, CT 06615

**RE: Text Amendment to repeal Section 5.3 on Residence Apartments and insert proposed new Section 5.3 on Planned Residential District (PRD)**

Chairman Silhavey,

At the regular meeting held November 16, 2021, the Planning Commission discussed the subject text amendment and members unanimously agreed to recommend that the Zoning Commission **approve the proposal with the following modifications:**

- For the sake of clarity and ease of implementing the proposed regulation, the proposed PRD zone boundary should be redefined as follows:
  - A. Within any existing Two-Family District (RM-1)
  - B. All single-family residential districts (RS-3 or RS-4) fronting on Broadbridge Avenue between Barnum Avenue (to the south) and Emerald Place (to the north)
- For those parcels fronting on Broadbridge Avenue, mixed-use PRDs (with a mix of commercial and residential uses) should be encouraged to promote vitality on the street front.
- In order to encourage developments that are compatible in design and style with the preferred development character of the neighborhood, the maximum proposed building height should not exceed 35-feet, as opposed to the recommended 40-feet within the proposed PRD regulation.
- Standards for setbacks, distance between buildings on site, and maximum allowable density should be recommended so that there is no ambiguity in the implementation of the PRD regulation during a Special Case review process recommended within the proposed PRD regulation. A maximum density range of 20-25 dwelling units per acre would be ideal for the proposed PRD zone in Town. Setbacks of proposed PRDs should be required to adhere to the current required setbacks of existing RM-1/RS-3/RS-4 zones (in which the new multifamily developments will be located) so that new buildings are setback along the same line as the existing buildings in the vicinity.
- All Complete Streets and sidewalk policies should be adopted by each PRD proposed for development. Each development should have on-site bicycle storage.
- Adequate property maintenance issues should be addressed.
- In addition to the above, all new developments proposed within the PRD are subject to the review of the Town's Architectural Review Board (ARB) and should adhere to its recommendations, to ensure the proposed designs are compatible with the preferred design or the suggested character of the neighborhoods in which they are located.
- The proposed regulation should include language on adherence to the Town's floodplain regulations and municipal stormwater permitting (MS4) standards.

**DECISION: Approve with modifications**



**REASON FOR APPROVAL:** The proposal is consistent with the recommendations of the *Town Plan of Conservation and Development (POCD)* as discussed below, and with the *Housing Strategies of Stratford* document, which was adopted as amendment to the POCD recently.

Relevant POCD recommendations:

*Land Use*

- *Update the Town of Stratford Zoning Code to reflect the Future Land Use Plan that will provide for increased development opportunities in appropriate areas, protect the character of neighborhoods, and maintain the town's important waterfront and open spaces*
- *Update the Zoning Code to facilitate planned developments (mixed use)*

*Housing*

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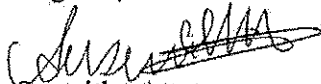
- *Fall in between single-family housing and large-scale multi-family developments*
- *Might include the following types of housing while maintaining the scale and/or appearance of residential homes/buildings:*

- |                                |                               |
|--------------------------------|-------------------------------|
| ➤ <i>Two-family dwelling</i>   | ➤ <i>Townhouses</i>           |
| ➤ <i>Three-family dwelling</i> | ➤ <i>Courtyard apartments</i> |
| ➤ <i>Four-family dwelling</i>  | ➤ <i>Cottage court</i>        |
| ➤ <i>5+ unit building</i>      | ➤ <i>Live-work units</i>      |

The proposal is also consistent with the Future Land Use map of the POCD, since all of the parcels proposed to be included in the PRD are envisioned to be part of high density residential or medium density uses.

On behalf of the Planning Commission, I would like to thank you for your consideration in this matter.

Regards,

  
Susmitha Attota, AICP  
Town Planner

CC: Harold Watson – Planning Commission Chair  
Barry Knott – Petitioner  
Jay Habansky – Planning and Zoning Administrator