

TOWN OF STONINGTON



Department of Planning
152 Elm Street
Stonington, Connecticut 06378
(860) 535-5095 • Fax (860) 535-1023

March 24, 2011

Calvin Brouwer
Town Clerk
Town of Ledyard
741 Col. Ledyard Highway
Ledyard, CT 06339

Subject: **PZ1105RA 60 Willow Street, LLC - Zoning Regulations Text Amendment to Section 7.3.5 Design Height Limitation in Coastal Areas: add IHRD zone; Section 8.3.6. Changes and Modifications to an Approved Plan, Sections 8.3.6.1 and 8.3.6.3: add Master Plan.**

Dear Mr. Brouwer:

I am writing to inform you that the above-referenced application has been scheduled for a Public Hearing to be held at the **Mystic Middle School, 204 Mistuxet Ave., Mystic, Connecticut, on Tuesday, April 19, 2011.** Public Hearings are scheduled to begin at **7:30 p.m.**

The enclosed Notice of Public Hearing is being referred to your municipality in accordance with Section 8-3h of the Connecticut General Statutes. Should you have any questions, please feel free to contact the Department of Planning at 860.535.5095.

Sincerely,

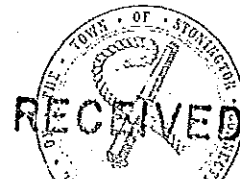
A handwritten signature in cursive script that reads "Keith Brynes".

Keith Brynes, AICP
Town Planner

cc: Charles Karno, AICP – Town Planner ✓

Enclosures: NPH & application

Town of Stonington
Planning and Zoning Commission



2011 MAR - 4 P 3:02

ZONING AMENDMENT APPLICATION FORM

FOR OFFICE USE ONLY

Application Number

PZ1105RA

Receipt Date:

TOWN OF STONINGTON
PLANNING & ZONING

Application is for:

MAP AMENDMENT

TEXT AMENDMENT

Name of Applicant:

60 Willow Street, LLC

Mailing Address:

239 Bank Street, New London, CT 06320

Telephone Number:

860-447-8370

FOR AMENDMENTS TO THE ZONING REGULATIONS. Any person or persons who are property owners or residents in the Town may make written application for an amendment to these Regulations. Please attach copy of the proposal with all applicable Article references along with a statement as to why the amendment is being pursued. Fifteen (15) copies of the Application Form and attachment are required.

FOR AMENDMENTS TO THE ZONING MAP. Fifteen (15) copies of the following documentation is required: Application Form, a Class A-2 Survey giving boundaries must accompany each application for a change in zoning boundaries, a legal description of the property and a list of abutting owners, with their mailing addresses, and map, block and lot information as they will be informed in writing of the proposed change.

Assessor's information:

Map

182

Block

1

Lot

11

Present Zoning District:

IHRD #4

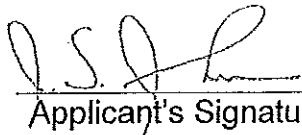
Proposed Zoning District:

IHRD #4

Reason for requesting the Zoning Map Amendment: (ATTACH SHEET IF NECESSARY)

Please See Attached

Previous Petitions: Please list all previous petitions that have been made with respect to the above listed property(ies):


Applicant's Signature

2.24.11
Date

ZONING TEXT AMENDMENT

APPLICANT: 60 Willow Street, LLC

ZONING REGULATION SECTIONS TO BE AMENDED: Sections 7.3.5, 8.3.6.1, and 8.3.6.3

PROPOSED REVISED TEXT SECTION 7.3.5:

“SECTION 7.3.5: **Design Height Limitation in Coastal Areas** (Adopted March 31, 1986; Amended June 21, 2005; September 6, 2005; October 18, 2005)

No structure within 150 feet of Mean High Tide (USGS Datum) may have its maximum height to ridge line greater than 24 feet above the 100 year Flood Hazard Level or Average Finished Grade, whichever is higher. Notwithstanding anything contained herein to the contrary, the Commission may modify the requirements of this section for specific structures in the MHD, and NDD and IHRD zone if specifically approved in the Master Plan.”

DISCUSSION: The applicant seeks to revise Section 7.3.5 of the Zoning Regulations to incorporate the Industrial Heritage Reuse District (IHRD) into the list of special zones for which Design Height Limitations can be modified by the Commission. Currently Section 7.3.5 allows the Commission to modify the requirements of height limitations in the Maritime Heritage District (MHD) and the Neighborhood Design District (NDD). This section was previously amended each time one of the aforementioned specialized districts was created. Although the IHRD was created in 2004, no similar amendment to this section has been carried out. The applicant believes that particularly with the reuse of old industrial buildings that the possibility of Commission modification of such height requirements is a useful tool in such reuse projects.

The applicant further believes that the failure to update this Section 7.3.5 once the IHRD was created was simply an oversight and to now include the IHRD in this section certainly mirrors the intent of the Commission in making revisions to this section when the other specialized districts were created. IHRD #4 is the first IHRD district to fall within the 150' of MHT thus being the first to expose the issue.

Additionally, section 7.19.6.1 of the Design Standards for the IHRD district specifically states that: “...Existing buildings may be enlarged-provided that such expansion is consistent with the structures exterior historic architecture.” This creates a direct conflict with section 7.3.5 and is in need of rectification.

It should be noted that this text amendment does not guarantee any additional rights to any IHRD zoned property. This change empowers the commission with the ability to modify heights if they deem it appropriate.

PROPOSED REVISED TEXT SECTION 8.3.6.1:

"8.3.6.1 The Commission may approve the following types of minor modifications or changes to a previously approved Site Plan, ~~or~~ Special Use Permit, or Master Plan."

PROPOSED REVISED TEXT SECTION 8.3.6.3:

"8.3.6.3 Modifications to a previously approved Site Plan, ~~or~~ Special Use Permit or Master Plan shall not be granted for proposals that in the opinion of the Commission will result in significant impacts to natural resources, drainage, traffic generation, parking demand, aesthetics or landscaping, buffers, community character or quality of life. If determined by majority vote of the Commission, revisions of this magnitude will require submission of a new application to the Commission. Per Section 6.1.3 any expansion of a use listed in these Regulations as a Special Use shall require a new Special Use Permit application for the new portion of the development project."

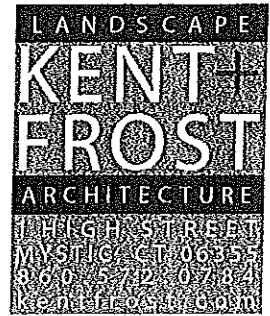
DISCUSSION: The applicant requests technical revisions to Sections 8.3.6.1 and 8.3.6.3 to incorporate Master Plans as a type of "Approved Plan" for which the Commission may approve minor modifications or changes. This section was adopted before Master Plans were created in the Zoning Regulations. Therefore, the applicant seeks to update this section to reflect that Stonington now has in its zoning regulations the procedures by which to adopt Master Plans and accordingly minor modifications or changes to such Master Plans should be included in this Section.

To disallow this amendment places significant hardships on all properties and zones requiring Master Plan, by requiring a full Master Plan process for any change no matter how small.

Zoning Text Amendment Narrative

Text Amendments for Sections 7.3.5, 8.3.6.1, & 8.3.6.3

Applicant: 60 Willow Street LLC



Brian Kent, RLA
Chad Frost, RLA

Landscape Architecture
Urban Planning
Sustainable Design
Project Management

Consistency Statements:

8.8.3.1 – Plan of Conservation and Development

The requested revisions are consistent with the POCD, and bring the zoning regulations more into conformance with the intent established in the POCD. The POCD indicates that: “Stonington’s mills provide an incredible opportunity to address changing community needs while enhancing community character and quality of life.” The Plan also indicates that successful rehabilitation and redevelopment of these sites requires flexibility. The POCD understood the need for flexibility for preserving and reusing industrial sites within the Town, and is why the Industrial Heritage Reuse District (IHRD) was created and incorporated into the zoning regulations. This amendment empowers the commission with more flexibility for adaptive reuse of IHRD properties. (The Mill reuse plan and text from the POCD are attached).

8.8.3.2 – Zoning Comprehensive Plan

The requested revisions are consistent with the zoning regulations, zoning map, actual pattern of development and the pattern of zoning text amendments. Section 7.3.5 is consistent because it reinforces the specific design standards of the IHRD zone “7.19.6.1... Existing buildings may be enlarged-provided that such expansion is consistent with the structure’s exterior historic architecture.” The amendment does not guarantee rights, but allows for necessary flexibility by removing conflicting regulations. The pattern of amendments also shows this section (7.3.5) being amended to include similar special districts when the conflict has appeared.

Sections 8.3.6.1 & 8.3.6.3 are consistent with past modifications to empower the commission to make minor revisions to plans they have previously approved. Master Plans were not required when these sections were adopted and therefore not included as a type of plan that could be modified. (IHRD Section Attached)

8.8.3.3 – General Zoning Purposes

These requested revisions conform to the general zoning purposes set forth in Section 1.0.1. The public health, safety and welfare are not affected by the minor text alterations.

Stonington's mills provide an incredible opportunity to address changing community needs while enhancing community character and quality of life.

Reuse the Mills and Other Underutilized Commercial and Industrial Sites

Master Plan the Larger Mill Sites

Stonington's historic mills hold great potential for economic development and increased vitality within the villages.

While some of these buildings have become functionally obsolete in terms of their original uses, they are well located relative to existing villages and have untapped potential to help meet some of the housing and other needs anticipated in the community. Two-thirds of residents surveyed agreed that the Town should create flexible regulations to encourage the adaptive reuse of the mills.

For mill redevelopment efforts to be successful and enhance the overall village ambience, flexibility in permitted uses will be desirable. Some of the mills would provide a unique and attractive environment for small-scale business uses such as offices, restaurants, boutiques, art studio/galleries and antique markets - supporting Stonington's already strong tourist economy.

Mills represent a significant opportunity to address many of Stonington's housing needs and some may be suitable for combinations of affordable, luxury, active-adult and elderly housing for both rent and sale. Due to the unique configuration of sites and buildings, residential densities may be higher than is typical in new construction but still be appropriate for the village location given the size of the building and the availability of parking.

Of unique concern is the Velvet Mill which straddles the line between the Town and Borough, although all of the buildings lie within the Borough. Redevelopment of this property will require close cooperation between the planning and zoning commissions for both jurisdictions.

Require Redevelopment Plans

Because of their size and potential impact on surrounding neighborhoods, the larger mill sites should be required to prepare redevelopment master plans that identify the general location of uses, access, parking and drainage facilities, as well as identify:

- which structures are to be rehabilitated; and
- which architecturally or historically insignificant structures are to be removed to facilitate redevelopment.

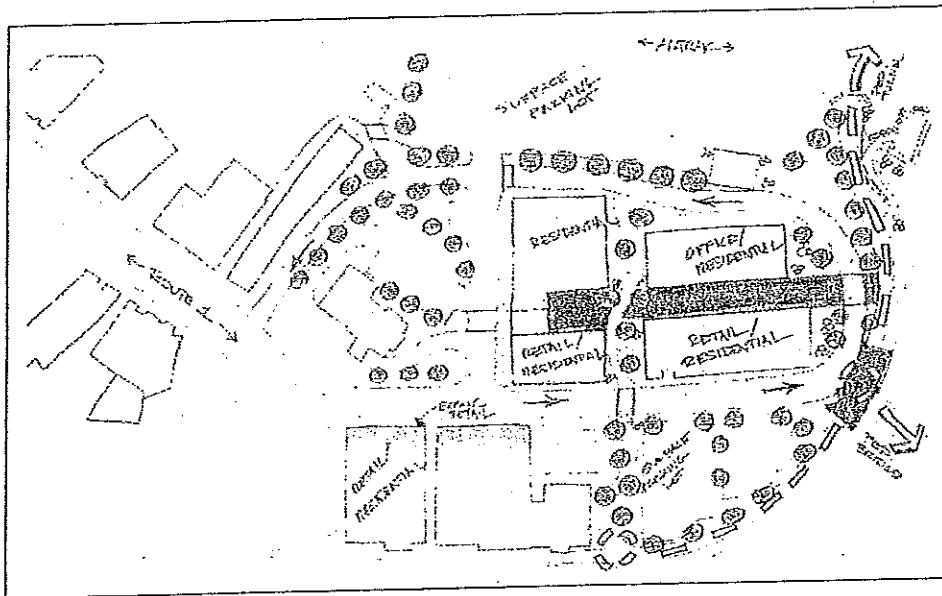
A design development district (perhaps called an "Industrial Heritage Overlay Zone") could incorporate such a master planning process and allow development flexibility, while respecting the architectural and historic integrity of the mill sites.

Careful planning will be required to ensure the compatibility of a broad mix of uses and avoid conflicts arising from noise, vibration, odors, parking and other impacts.

The Economic Development Commission has initiated a planning program called "Revision" that is designed to study the revitalization of Pawcatuck's five mills. The program successfully kicked off with the Cogswell Street Charrette (in cooperation with the National Park Service).

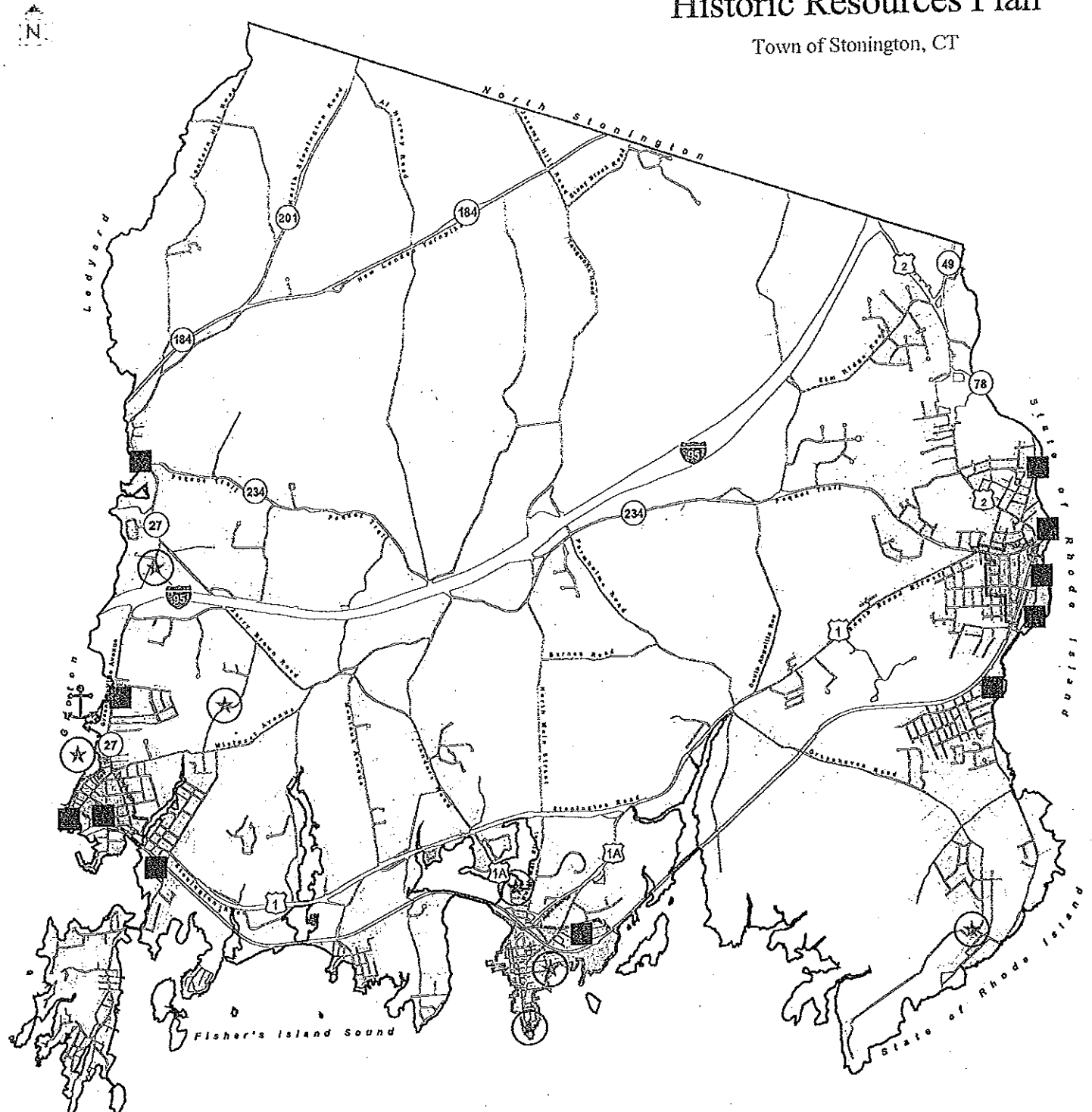
Following that success, the Pawcatuck Revitalization Organization has been reinstated to study the creation of a Neighborhood Revitalization Zone on Mechanic Street and take advantage of a Community Economic Development Fund grant to study the 20 acre Harris Graphics site at 99/100 Mechanic Street and downtown Pawcatuck.

Overall Concept from Cogswell Street Charrette







Historic Resources Plan

Town of Stonington, CT



Legend

-  National Register Historic Districts
-  National Register Historic Places
-  National Historic Landmarks
-  Historic Mill Thematic Group

0 4000 Feet

7.18.5.2 Seasonal marina structures shall be provided with break-away wall sections to allow the passage of flood waters to equalize, automatically, hydrostatic flood forces on exterior walls in compliance with section 7.7.3.2.3.1.

7.18.5.3 All utilities serving seasonal marina structures shall be elevated above the Base Flood Elevation.

7.18.6 The location and spacing of seasonal marina structures shall be subject to the review and approval of the Fire Marshall.

7.19 INDUSTRIAL HERITAGE RE-USE DISTRICT [ADOPTED AUGUST 17, 2004]

7.19.1 General.

7.19.1.1 The Planning and Zoning Commission may establish site specific Industrial Heritage Re-Use Districts ("IHRD") for those properties containing historic mills aged fifty (50) years or greater from the effective date of this regulation, by approving a Redevelopment Master Plan in conformance with Section 7.19.4. Zoning Regulations applicable to such property as established by the underlying district shall continue in full force and effect unless superseded by the IHRD regulations.

7.19.1.2 In that the approval of an IHRD constitutes a change of zone, it calls for the Commission to act in its legislative capacity, and to exercise legislative discretion. By filing an application for a IHRD, the applicant acknowledges and accepts the nature of such application, and the level of discretion which the Commission possesses in such applications.

7.19.2 Statement of Purpose.

Industrial Heritage Re-Use Districts are intended to encourage renovation and/or adaptive re-use of Stonington's historic mills, promote diversified housing opportunities in combination with commercial, retail or office use where such mixed-use is appropriate, and retaining historic architectural design elements while adapting obsolete or underutilized structures and appurtenances to 21st Century needs. Factors to be considered by the Commission in approving an IHRD include:

7.19.2.1 The location of the proposed uses of the IHRD is in conformance with the adopted POCD.

- 7.19.2.2 Preservation, to the maximum feasible extent, of buildings and building elements possessing historic or architectural significance. New buildings and building additions shall be architecturally compatible with existing historic structures, and the neighborhood (when feasible) and respect exterior attributes of such structures and neighborhood.
- 7.19.2.3 Adaptive re-use that addresses Stonington's housing needs, and in the appropriate setting provides space for business or retail establishments. Since each historic mill is unique in terms of its location and design challenges, there shall be no mandatory area ratio of residential use versus commercial use; rather, the type and placement of each proposed use shall be indicated in the Redevelopment Master Plan.
- 7.19.2.4 Harmony between mixed-uses that are proposed for the property, compatibility with neighboring land uses, enhancement of the built, natural and human environment, promotion of pedestrian safety, provision for adequate parking, and minimized impact of motor vehicles.
- 7.19.2.5 Furtherance of goals and objectives contained in Stonington's Plan of Conservation and Development.
- 7.19.2.6 Furthers the policies of the Coastal Management Act.

7.19.3 Establishment of District.

The Commission shall establish an IHRD by approving a Redevelopment Master Plan, which while not intended to be a substitute for detailed documentation associated with a site plan, does provide sufficient information to determine if the proposal is in conformance with Section 7.19.2 and the Plan of Conservation and Development. Such adoption shall constitute a zoning map amendment in accordance with Section 9.4 of these Regulations.

- 7.19.3.1 Numbering of Industrial Heritage Re-Use Districts. Each IHRD shall be numbered and depicted sequentially on the official zoning map in accordance with the date of adoption as IHRD-1, IHRD-2 and so forth.
- 7.19.3.2 District Size and Control. While no minimum parcel size is required for a rezoning, the land area proposed for an IHRD shall encompass the entire tract on which the industrial building(s) are located. Lots adjoining the original mill site may be combined for purposes of a rezoning application, provided that all owners of record shall indicate in writing

that they are aware of the application and that the applicant is authorized to act on their behalf under these Regulations.

7.19.3.3 District Expiration. Approval of the zone change shall become null and void unless a site plan for the IHRD is approved within 24 months of the date of zone change approval. The Commission may grant one or more extensions of this period upon written request of the applicant, but in no event will the extensions exceed 24 additional months.

7.19.4 Master Plan. [AMENDED SEPTEMBER 5, 2006]

The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to Section 7.19.2 and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the dimensional characteristics of the IHRD and its uses. All graphic elements of the Master Plan shall be professionally prepared in accordance with Section 8.4.3 of these regulations.

7.19.5 Site Plan.

After Redevelopment Master Plan approval and establishment of an Industrial Heritage Re-Use Districts by the Commission, an application for a site plan must be submitted for approval, following provisions contained in Article VIII of these Regulations. The Commission shall schedule a public hearing for the site plan application.

7.19.6 Specific Design Standards.

The following design standards shall apply to all IHRD Districts:

7.19.6.1 Area and Bulk Requirements. Adaptive re-use requires flexibility, and existing historic structures located within the IHRD District are deemed to be conforming in terms of any encroachments on front, side and rear yard setbacks, maximum height and floor area ratio. Existing buildings may be enlarged-provided that such expansion is consistent with the structure's exterior historic architecture.

7.19.6.2 Replacement Structures. Where existing buildings are deemed inappropriate for re-use, they may be replaced by new structures provided that such structures shall be architecturally compatible with remaining historic structures located on the property, and the surrounding neighborhood, when and where feasible.

7.19.6.3 New Construction (In addition to existing and/or replaced structures). [AMENDED FEBRUARY 6, 2007]

- .1 New structures to be built within the IHRD District, when such construction is not replacing an existing structure, shall conform to all area, bulk and setback requirements established for the underlying zoning district as contained in Article V of these Regulations, except authorized encroachments in Section 7.19.6.1.
- .2 Residential units shall be limited to either: (i) one (1) unit of housing for every 1,000 square feet of existing structure, up to 50,000 square feet of existing structure; or (ii) ten (10) units of housing per acre. The Commission shall only allow adjacent lots to be used for density considerations where the applicant can prove a clear, historical link between the adjacent lot and the main industrial property during the period the properties were utilized as industrial sites.

7.19.6.4 Parking. Residential off-street parking shall be provided at a ratio of no less than one (1) space per dwelling unit. The Commission shall determine the total residential parking requirement, taking into account opportunities for shared parking and available public parking areas adjacent to the site. Parking required for all non-residential uses shall be governed by Table 7.10.4.4 of these Regulations. Parking lot design and landscaping shall conform with Section 7.10.

7.19.6.5 Prohibited Uses. Uses prohibited in the IHRD District shall include: Gasoline filling stations, Motor vehicle and trailer coach sales, leasing and renting, Tire sales establishments, Auto repair shops and paint shops, Car washes, and Drive-thru windows – except financial institutions and pharmacies. Any other use listed in Article V shall be permitted in the IHRD District subject to approval of a Redevelopment Master Plan.

7.19.6.6 Buffers.

- .1 Non-infringement area of 50 feet minimum from tidal marsh and significant natural resources such as, but not limited to, inland wetlands, estuary shoreline and bodies of water, excepting only boat and yacht facilities after necessary State, Federal, and local permits are acquired, may be reduced to zero (0) feet by a majority vote.
- .2 The Commission may require additional buffers of such size, type and material as necessary to protect adjacent properties or important natural resources.