

PLANNING & ZONING
COMMISSION
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TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

**WILTON PLANNING AND ZONING COMMISSION
PUBLIC HEARING/REGULAR MEETING
AGENDA**

DATE: Monday, June 24, 2019
TIME: 7:15 P.M.
PLACE: Wilton Town Hall Annex, Meeting Room A, 238 Danbury Road, Wilton, CT 06897

PUBLIC HEARINGS

At this time interested persons may be heard after being recognized by the Chair of the Commission. See last page of this Agenda for more information on the Public Hearing process.

1. **REG#19377: Applicant:** 200 Danbury Road, LLC **Application:** To amend Section 29-2.B.17, Section 29-6.E.6 and Section 29-6.E.12 of Wilton Zoning Regulations to increase maximum building height, allowable stories and maximum floor area ratio in the Design Retail Business (DRB) Zoning District

Date of Commission Receipt:	4/22/2019
Initial Public Hearing Opening Date:	5/28/2019
Public Hearing Status:	Public comment period is open. Public hearing must close this evening unless applicant consents to extension.

2. **SP#458: Applicant:** Wilton Heights, LLC **Application:** To allow a drive-up facility for a pharmacy within a previously approved retail/residential development, pursuant to Section 29-6.C.4.o of zoning regulations; for property located at 300 Danbury Road, Whitewood Lane (Assessor's Map #58, Lot #37), Whitewood Lane (Assessor's Map #58, Lot #39), 3,7 and 11 Whitewood Lane

Date of Commission Receipt:	5/13/2019
Initial Public Hearing Opening Date:	6/10/2019
Public Hearing Status:	Public comment period is open. Public hearing must close by 7/8/2019 unless applicant consents to extension.

REGULAR MEETING

A. CALL TO ORDER SEATING OF MEMBERS

B. APPROVAL OF MINUTES

1. June 10, 2019 – Regular Meeting

C. ACCEPTANCE OF NEW APPLICATIONS

1. **SDP: Applicant:** Wilson Properties I, LLC **Application:** Approval for 7,110 square feet for a health and fitness use, characterized as sports training, physical fitness and related uses; for property located at 37 Danbury Road

D. SITE DEVELOPMENT PLAN REVIEW

E. PENDING APPLICATIONS

1. **REG#19377: Applicant:** 200 Danbury Road, LLC **Application:** To amend Section 29-2.B.17, Section 29-6.E.6 and Section 29-6.E.12 of Wilton Zoning Regulations to increase maximum building height and maximum floor area ratio in the Design Retail Business (DRB) Zoning District *[Application status noted above]*
2. **SP#458: Applicant:** Wilton Heights, LLC **Application:** To allow a drive-up facility for a pharmacy within a previously approved retail/residential development, pursuant to Section 29-6.C.4.o of zoning regulations; for property located at 300 Danbury Road, Whitewood Lane (Assessor's Map #58, Lot #37), Whitewood Lane (Assessor's Map #58, Lot #39), 3,7 and 11 Whitewood Lane *[Application status noted above]*

F. COMMUNICATIONS AND REPORT FROM PLANNER AND/OR COMMISSION MEMBERS

1. Buffam, 112 Belden Hill Road, Advisory opinion on interpretation of Section 29-4.B.8.c of Zoning regulations pertaining to limitations on adjoining accessways for rear lots.
2. Discussion concerning formation of an Architectural Review Board regulation

G. PLAN OF CONSERVATION AND DEVELOPMENT (POCD) UPDATES

1. Continuing discussion pertaining to the POCD and review of comments from Board of Selectmen

H. FUTURE AGENDA ITEMS

I. UPCOMING MEETINGS

1. Monday, July 8, 2019 – Regular Meeting (Annex, Room A, 7:15 PM)
2. Thursday, July 18, 2019 – Special Meeting/Public Hearing - Plan of Conservation & Development (Trackside, 7 PM)
3. Monday, July 22, 2019 – Regular Meeting (Annex, Room A, 7:15 PM)

J. ADJOURNMENT

How the Public Hearing Process Works

Pursuant to Connecticut General Statutes, applications that require a public hearing are administered in three distinct phases. It is important to recognize that public comment, either written or oral communication, cannot be received by the Commission once a public hearing is closed.

1. *Application Receipt Phase:* An application to the Commission is considered “received” at the first regularly-scheduled meeting of the Commission following submittal of the application to the town offices or thirty-five days; whichever date occurs first. The public hearing must open within sixty-five (65) days following the application receipt date.
2. *Public Hearing Phase:* Once opened, a public hearing must be heard and close within thirty-five (35) days. This stage is when the applicant presents the application to the Commission and interested party are allowed to comment on application. Again, public comment cannot be received once the hearing is closed.
3. *Deliberations Phase:* Once a public hearing closes, the Commission is provided sixty-five (65) days to deliberate the merits of an application and render a decision. Though public comment is not taken at this point, these meetings are open to public.

Time Extensions: Note, the Connecticut General Statutes provides up to sixty-five (65) days of additional extension time which can be applied to any of the three referenced phases. This is to encourage a complete and thorough review of applications before the Commission and to allow for full public participation.

Continuances: Public hearing matters are subject to requests for continuation or withdrawal at any time prior to a scheduled hearing. Inquiries regarding late changes may be made to the Planning and Zoning Department during business hours at (203) 563-0185.

Amendment to the Town of Wilton Zoning Regulations
Section 29-6 Business Districts

200 Danbury Road, LLC

June 18, 2019

PROPOSED TEXT AMENDMENT TO SECTION 29-6.E.

(Additions indicated in bold, red)

(Discussion is in blue)

E. AREA AND BULK REQUIREMENTS

The following area and bulk requirements shall be applicable to all developments in the DRB, GB and WC Districts, as indicated. Dimensions are in feet unless otherwise indicated.

	DRB Design Retail Business	GB General Business	WC Wilton Center
1. Minimum Front Yard	50(a) *	50(a) *	10(d)*
2. Maximum Front Yard	75 *	75 *	20(e)*
3. Minimum Side Yard (each)	25	25	0 *
- When abutting a Residential district	85(b)	85(b)	75(b, f)
3a. Maximum Side Yard on one side of the property	50 *	50 *	NA*
- When abutting a Residential district	85(b) *	85(b)	* NA
4. Minimum Rear Yard	25	25	20
- When abutting a Residential district	85(b)	85(b)	75(b)
5. Minimum Parking and Loading Setbacks (side and rear yards)	10	10	0 **
	[** 20 feet where the property abuts a multi-family district]		
	[** 60 feet where the property abuts a single-family district]		
- When abutting a Residential district	60	60	60 (f)
6. Maximum Building Height (Stories/Feet)	2/35(c, g)	2/35(c)	3/42(c, f) *

Amendment to the Town of Wilton Zoning Regulations
Section 29-6 Business Districts

200 Danbury Road, LLC

June 18, 2019

7. Maximum Building Coverage (%)	20	25	30
8. Maximum Site Coverage (%)	80	80	80
9. Minimum Lot Size (acres)	1	1	No Minimum
10. Minimum Lot Frontage	100	50	No Minimum
11. Minimum Width	100	50	No Minimum
12. Maximum Floor Area Ratio (F.A.R)	0.25(h)	0.35	0.50 *

(a) Except that where no parking is provided in the front yard, only 30 feet shall be required. In either case, a ten-foot minimum width landscaped area approved by the Commission shall be provided along the front lot line, except where driveway entrances and exits are located.

(b) Where adjoining property in a residence district lies within the right-of-way of a railroad, the building setback may be reduced to 50 feet and the parking and loading setbacks may be reduced to ten feet.

(c) Except as otherwise provided in 29-4.C.1.

(d) Where property fronts on Danbury Road (U.S. Route 7) 50 feet, except that where no parking is provided in the front yard, only 30 feet shall be required. In either case, a 10-foot minimum width landscaped area approved by the Commission shall be provided along the front lot line, except where driveway entrances and exits are located. On Danbury Road, and within 1,000 feet of the Wilton Center Train Station, the front landscaped depth shall be an average measurement between the back of sidewalk in the right-of-way and the parking on the subject property.

(e) Where the property fronts on Danbury Road (U.S. Route 7), 75 feet.

(f) On Danbury Road, and within 1,000 feet of the Wilton Center Train Station, and where Building Coverage is no more than 20% and Site Coverage is no more than 40%, the Commission may approve the following standards in the Wilton Center District:

(1) Maximum Building Height (Stories/Feet): 3 ½ / 46' (and no more than 54' to the highest ridge for buildings with sloped roofs)

(2) The Minimum Side Yard abutting property zoned and used for a single-family residence (i.e. one principal dwelling unit per property) shall be no less than 75 feet. Otherwise, the Minimum Side Yard shall be no less than 30 feet provided the following additional standards are met:

a. The height of the building as measured from the average grade along the side property boundary within 75 feet of the proposed building is less than 35 feet.

b. A mix of deciduous and evergreen planting is installed in the side yard.

Amendment to the Town of Wilton Zoning Regulations
Section 29-6 Business Districts

200 Danbury Road, LLC

June 18, 2019

(3) Parking and loading located inside or below a structure and not visible from a residence district shall meet the minimum yard requirements for a principal structure.

(g) In order to further the diversity of housing stock within the Town of Wilton while supporting the redevelopment of underperforming commercial properties, the Commission may allow by Special Permit a Maximum Building Height of 3 stories and 41' *Maximum Building Height (stories/feet): 3/41', (and no more than 48' to the highest ridge for buildings with sloped roofs and no more than 35' in height for flat roofs when in combination with a sloped roof) provided that:*

The Property shall have frontage on Route 7, be served by sewer and water, have a minimum lot size of two (2) acres, and a minimum lot frontage and width of 150 feet..

- i. Residential units shall be provided above first floor commercial;
20% of the developments housing units shall utilize two or more principles of Universal Design principles;
 - Principle 1: Equitable Use
 - Principle 2: Flexibility in Use
 - Principle 3: Simple and Intuitive Use
 - Principle 4: Perceptible Information
 - Principle 5: Tolerance for Error
 - Principle 6: Low Physical Effort
 - Principle 7: Size and Space for Approach and Use
- ii. The development shall utilize two or more methods of green building as enumerated by the Green Building Alliance such as;
 - Cool Roofs
 - Energy Efficient Windows
 - Building Insulation
 - Green Cleaning
 - Green Cleaning
 - Native Plants
 - Flooring Materials
 - Paints and Coatings
- iii. The development shall contain a "stage of life" mix of one and two-bedroom units and may include studio apartments; and
- iv. Elevators shall serve floors above the first floor in three story buildings.

(h) In order to further the preservation, rehabilitation, restoration, reconstruction and/or adaptive re-use of historic structures that contribute to positive aspects of community character, the Commission may allow

by Special Permit, an increase of the Maximum Floor Area (F.A.R) up to .35. (An additional .05 may be granted by the Commission where a public benefit can be realized by establishing new or formalizing existing connections to public open space, parks, trails or recreation areas from the subject property) provided that:

- i. The property shall have frontage on Route 7, be served by sewer and water, have a minimum lot size of two (2) acres, and a minimum lot frontage and width of 150.
- ii. The property shall contain a structure(s) listed in the state or national register of historic places or in a local historic resources inventory;
- iii. Such historic building(s) shall be incorporated into a larger plan of development subject to Special Permit approval by the Commission;
- iv. The Commission determines the structure(s) in question contributes to community character and possesses a degree of historic significance (to be evidenced by its age, architectural uniqueness, and or cultural value);
- v. The Commission determines that even if building materials are proposed to be substituted and modernized, the method and degree of preservation maintains the character, aesthetic and architecture of the historic building;
- i. The historic building or structure shall be adapted for permitted uses in the DRB zone; and
- vi. The Special Permit granted by the Commission shall only remain effective so long as the subject structure(s) is preserved and maintained as a principal structure on the property and.

Where the historic building(s) or structures are incorporated into a larger plan of development, the following guidelines shall apply:

- i. Architecture appropriate to the vicinity so as to promote basic design elements and relationships that will help maintain and enhance a harmonious architectural character and generate a village atmosphere;
- ii. Use sidewalks / walkways as organizing elements. The overall design of the site should provide a safe, logical approach and entry to all buildings and site use areas for pedestrians;
- iii. The scale, proportions, massing and detailing of any proposed building should be in proportion to the scale, proportion, massing and detailing in the vicinity of the site and should foster a “sense of place” through building placement, architecture and site hardscape;
- iv. The overall design of the site should provide a safe, logical approach and entry to all buildings and site use areas for vehicles;
- v. Where appropriate, outdoor gathering areas with furnished seating should be considered near eating establishments and designated “common” areas to foster “sense of place”;

- vi. Hardscape and Landscape design should be used in a logical, orderly manner that defines spatial organization and relates to buildings and structures; and
- vii. The use of underground parking should be encouraged where appropriate.

DISCUSSION OF THE ZONING TEXT AMENDMENTS INTENT

The intent of the amendment is to provide eligible properties with increased development rights upon achieving certain public benefits through purpose driven development. Eligible properties include those with the following attributes.

- Frontage on a primary arterial: Route 7
- Served by supporting infrastructure: sewer and water
- Double the land area of the underlying zone: 2+ acres instead of 1 acre
- And the additional land area is in a regular shape: 200' lot depth and lot width instead of 100' for each

150'

Given the above attributes, public benefit can be achieved consistent with the Wilton Plan of Conservation and Development (analysis under 2., below) through granting increased development rights consisting of additional height and floor area.

- Height is increased from two stories to three stories, and from 35 feet to 41 feet. In addition, consistent with a previous text amendment in the WC zone, a maximum height to highest ridge is added at 48 feet.
- The Floor Area Ratio is increased from 0.25 to 0.40 square feet of allowed gross floor area for each square foot of property area. This represents additional floor area of 6,534 square feet per acre of land.

Other standards within the existing regulation that restrict other facets of development and protect adjacent residentially zoned parcels remain unchanged.

- Building coverage and site coverage restrictions are unchanged at 20% and 80%.
- Side and rear yard setbacks to residential districts are unchanged at 60 feet for parking and loading and 85 feet for buildings.

CONSISTENCY WITH THE 2010 WILTON PLAN OF CONSERVATION AND DEVELOPMENT (the "POCD")

The Future Land Use Plan is covered in Chapter 5 of Wilton's POCD. On pages 113 and 114 is a summary of how the PCOD is consistent with State Growth Principle and Regional Plan Goals ("State Growth Principles"). Relevant excerpts are provided below.

State Growth Principles

The Wilton POCD has been evaluated for consistency with the six State Growth Principles.

Principle 1 - Redevelopment and revitalization of commercial centers and areas of mixed land uses with existing or planned physical infrastructure.

***FINDING - Consistent** The POCD recognizes that Wilton is fairly built out and most development will occur in the form of redevelopment in places where water and sewer infrastructure exists.*

The proposed text amendment is consistent with this finding as it encourages redevelopment of underperforming commercial properties where sewer and water exists.

Principle 2 - Expansion of housing opportunities and design choices to accommodate a variety of household types and needs.

***FINDING - Consistent** The POCD expresses a need and provides strategies for diversifying housing choices to meet demographic and affordability needs. The POCD looks at ways to capitalize on the existing housing stock and to encourage appropriate new housing development.*

The proposed text amendment is consistent as the additional story and floor area are available for more “dwelling units located over street level stores or offices” (special permit use 29-6.A.3.h) and to provide a variety of unit types (Studio, 1 bedroom, 2 bedroom) and price points.

Principle 3 - Concentration of development around transportation nodes and along major transportation corridors to support the viability of transportation options and land reuse.

***FINDING - Consistent** Future areas for business development or higher density housing are generally limited to either along Route 7 or near train stations.*

The proposed text amendment is consistent with this finding as it limits the applicability to properties with frontage on Route 7.

Regional Plan Goals

The Regional Plan of Conservation and Development establishes goals for the region. The Wilton POCD is consistent with those goals as follows.

Encourage municipal land use planning that recognizes the need to direct development to those areas with infrastructure to best accommodate it.

***FINDING - Consistent** The POCD recommends that future growth occurs in areas served by water and sewer infrastructure, along major roads and near transit...*

The proposed text amendment is consistent with this finding as it limits the applicability to properties located along Route 7 served by sewer and water.

CONSISTENCY WITH THE DRAFT 2019 PLAN OF CONSERVATION AND DEVELOPMENT (the “Draft POCD”)

The Future Land Use Plan is covered in Chapter 7 of Wilton’s 2019 Plan of Conservation and Development. On page 100 is a summary of how the PCOD is consistent with State Growth Principle and Regional Plan Goals. Relevant excerpts are provided below.

State Growth Principles

The Wilton Draft POCD has been evaluated for consistency with the six State Growth Principles.

State of Connecticut Growth Management Principals

1. Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure

Wilton POCD Consistency Analysis

Wilton's Draft POCD prioritizes development in areas with existing sewer and water infrastructure, particularly along Route 7/Danbury Road and in Wilton Center.

The proposed text amendment is consistent with this finding as it encourages redevelopment of underperforming commercial properties where sewer and water exist.

2. Expand Housing Opportunities and Design Choices to Accommodate a Variety of Household Types and Needs

The Draft POCD recommends evaluating ways to make the zoning regulations less restrictive for appropriate multi-family developments. In addition, the Draft POCD contains several action items to develop housing options for all life stages, particularly young adults and seniors.

The proposed text amendment is consistent as the additional story, FAR and Height incentives will provide for more "dwelling units located over street level stores or offices" (special permit use 29-6.A.3.h) and to provide a variety of unit types (Studio, 1 bedroom, 2 bedroom) and Design elements that support "Stage of Life" households. **

3. Concentrate Development Around Transportation Nodes and Along Major Transportation Corridors to Support the Viability of Transportation Options

The Draft POCD calls for the concentration of higher density development in areas served by many transportation modes including sidewalks, bus, and rail. The Draft POCD also calls for the expansion of the Norwalk River Valley Trail that will connect with neighboring municipalities.

The proposed text amendment is consistent as the additional story, FAR and Height incentives will encourage higher density along major transportation corridors (Route 7), including

proximity to train and the Norwalk River Valley Trail.

4. Conserve and Restore the Natural Environment, Cultural and Historical Resources, and Traditional Rural Lands

The conservation priorities of the Draft POCD are natural resource protection, the protection of riparian corridors, and the Norwalk River Valley Trail. In addition, the Draft POCD calls for the protection of cultural landscapes through design guidelines, historic preservation, and scenic road designations.

The proposed text amendment is consistent as it incentivizes preservation, rehabilitation, restoration, reconstruction and/or adaptive re-use of historic structures.

****Page 48 of the Draft POCD**

1.1 Increase the Availability of Multi-Family Housing and Smaller Housing Units

Multi-family housing is currently permitted several in business districts, and assisted living and congregate housing is permitted in certain residential zones under more strict requirements. Regulatory changes and zoning incentives that encourage the redevelopment of properties having sufficient development capacity and access to utility and transportation infrastructure into design-appropriate, attractive and fiscally-prudent multi-family housing and smaller housing units offer the greatest opportunity to diversify Wilton's housing stock, achieve fair housing and affordable housing goals, smartly grow its population, enable more of Wilton's workforce to live in Town and foster a vibrant and socioeconomically diverse local community. Policies directed towards reasonable population growth rates will also support the economic development goals of this plan by providing a larger consumer and employee base for businesses, improving economic activity and property values that will provide additional property tax revenue to the Town.

- Encourage smaller-scale, lower cost and/or multi-family housing, whether as transit-oriented, stand-alone, or mixed-use development to serve the entire Wilton community, including younger working age and older populations whose housing and affordability needs often overlap and for whom access to transit and services is important. Target this housing in Wilton Center, Georgetown, train station areas, and Danbury Road south of Cannon Road.
- Increase permitted residential density in the village centers and along Danbury Road where development capacity and supportive infrastructure is available or appropriately expanded.
- Consider denser, yet compatible housing opportunities in abutting transition areas. Consider regulatory incentives, including density, floor-area-ratio, setback and/or bulk adjustments, for use of green building techniques in new multi-family development to lower overall costs and improve environmental impacts

Page 50 of the Draft POCD

Promote universal design techniques (ensuring the built environment is accessible to anyone regardless of age, disability, etc.)

Wilton's senior population is projected to grow over the next decade. Universal design techniques such as providing single-story housing units (or elevators), wheelchair accessible doorways, and grab bars in

restrooms ensure that seniors will be able to “age in place” and continue to access key Town services and amenities.

Consider implementing regulatory incentives for universal design in new housing and improvements to Town facilities.

Support and maintain households at various life-cycle stages

While housing is a critical component to attracting more young people and retaining more empty nesters and seniors, the Town needs to continue to provide or partner with organizations that provide high quality services and programs that contribute to quality of life.

In Summary

Given the above, we find that the text amendment to be overwhelmingly supportive and appropriate for sites with the attributes listed, and is entirely consistent with the Draft POCD, at the State, regional and local level. The applicable sites are appropriate for the modest level of additional development rights requested, and in context with nearby and neighboring properties to those applicable sites.