

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

PLANNING AND ZONING STAFF REPORT

September 18, 2019

APPLICANT: MNG Equities, LLC, c/o J. Casey Healy, Gregory and Adams, P.C.,
Regulation Change #19379

ZONE: Congregate Housing is presently allowed in all zoning districts subject to certain frontage requirements on Danbury, Westport, River Road and Station Roads. Assisted Living is presently allowed in all zoning districts subject to certain frontage requirements on Danbury, Westport and River Roads. The regulation proposal would expand potential locations for both uses to include properties within 100 feet of Danbury Road provided such proposal serves to preserve a building(s) of historical value.

LOCATION: N/A

OWNERS: N/A

ACREAGE: N/A

BACKGROUND:

Application #19379 calls for several amendments to the zoning regulations as it pertains to congregate housing and assisted living facilities. Proposed changes potentially affect location, density, building height, affordability requirements and parking ratios used to determine onsite parking requirements. Detailed changes include the following:

Location (Section 29-4.D.4.a): Congregate Housing is presently allowed by special permit in all zoning districts; subject to a 50-foot frontage requirement on either Danbury Road, Westport

Road or River Road. The proposed amendment would expand potential locations to include sites situated within 100 feet of Danbury Road as measured from its closest point; provided the development proposal includes the preservation of a historic and/or architecturally significant building. In addition, the development must front on a roadway that provides vehicular access from the site directly to Danbury Road.

Density (Section 29-4.D.4.d): The proposal is drafted to allow for an increase in the density of a Congregate Housing development from 12 units per acre to 24 units per acre when located within 100 feet of Danbury Road and when such proposal involves the preservation of a historic or architecturally-significant building.

Maximum Building Height (Section 29-4.D.4.i): The height of buildings used for Congregate Housing is currently capped at 35 feet and 2½ stories with the exception of those facilities located in the Design Enterprise “DE-5” and “DE-10” districts where a maximum of 3 stories and a maximum height of 39 feet is permitted. This amendment would remove the distinction between Design Enterprise districts and other zoning districts; thereby allowing a maximum of 3 stories and a maximum height of 39 feet in all districts.

Affordable Housing Units (Section 29-4.D.4.m): At present, twenty percent (20%) of units within a Congregate Housing development must be set aside as restricted affordable housing subject to the general affordability provisions outlined in Section 29-5.B.10 of the zoning regulations. This amendment proposal would reduce the affordability requirement from 20% to 10% and strengthen ties to Section 8-30g of the Connecticut General Statutes. Similar adjustments were made to Assisted Living standards in 2017.

Location (Section 29-4.D.6.a): This amendment seeks to amend location requirements pertaining to Assisted Living facilities. Similar to Congregate Housing, Assisted Living facilities are permitted by special permit in all zoning districts; subject to the 50-foot of frontage requirement on either Danbury Road, Westport Road or River Road. In addition to these roadways, properties fronting on Station Road are also considered for location purposes. Again, similar to the Congregate Housing amendment, this amendment would expand potential locations to include sites situated within 100 feet of Danbury Road as measured from its closest point; provided the development proposal includes the preservation of a historic and/or architecturally significant building. In addition, the development must front on a roadway that provides vehicular access from the site directly to Danbury Road.

Congregate Housing Parking Requirements (Section 29-8.B.5.a.(13): The zoning regulations presently require 1 parking space for each Congregate Housing unit. This amendment would lower the requirement to .65 spaces units.

ISSUES FOR CONSIDERATION:

1. The zoning regulations, as currently drafted, limit both Congregate Housing and Assisted Living facilities to properties that front on certain arterial roadways; including Danbury

Road. This amendment is designed to allow such uses to locate off of non-arterial roadways; but only in cases where a historic or architecturally-significant building can be preserved. This appears to be a form of spot zoning as the potential intrusion of higher density development away from arterial roadways and potentially into quieter neighborhoods is not supported by traditional land use principals. A distinction can be drawn between a policy designed to effectuate change within existing commercial areas versus policy that could potentially result in the geographic expansion and intrusion of non-compatible uses into quieter neighborhoods. Though the preservation of the town's historic resources represent a worthy undertaking, the request does address the broader concern of discouraging uses that, by their size, density and operations, may begin to compromise the quality of life for others.

2. The concept of extending public sewer and public water to properties beyond Danbury Road is generally not supported by the present-day or future Plan of Conservation and Development (Page 91, 2010 POCD).
3. Though each individual location and circumstance varies, the general concept of encouraging higher traffic volumes on local roadways does not comport with traditional land use planning.
4. The application contains no empirical data to support changes to the Congregate Housing parking requirements. Unlike Assisted Living facilities, residents living in Congregate Housing development are required to be over the age of 62, but are otherwise largely independent.
5. The regulation proposal, as drafted, would allow Congregate Housing to be developed at a density of 24 units per acre when located off of Danbury Road; yet at a density of 12 units per acre when fronting on Danbury Road. This is presumably a drafting oversight.
6. With regard to affordable housing standards, the regulation would establish regulatory parity between Assisted Living facilities and Congregate Housing development. The applicant should present testimony to justify this request. The two uses are vastly different in terms of services, occupant costs and stage of life needs and personal circumstances.