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TOWN OF WILTON

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BY: LK

TOWN HALL ANNEX  
238 Danbury Road  
Wilton, Connecticut 06897

PLANNING & ZONING  
COMMISSION  
Telephone (203) 563-0185  
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**WILTON PLANNING AND ZONING COMMISSION  
PUBLIC HEARING/REGULAR MEETING  
AGENDA**

**DATE:** Monday, January 28, 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.

- SP#449: Applicant:** Wilton Heights, LLC **Application:** To allow stores and shops for the conduct of retail business, pursuant to Section 29-6.C.3.a of zoning regulations; and to allow dwelling units located above street level stores/offices pursuant to Section 29-6.C.4.b of zoning regulations, for property located at 300 Danbury Road and at 3, 7 and 11 Whitewood Lane, and additional properties on Whitewood Lane known as Assessor's Map #58, Lots #37 and #39

Date of Commission Receipt:	9/10/2018
Initial Public Hearing Opening Date:	10/22/2018
Public Hearing Status:	Public comment period is open. Public hearing must close by 1/28/2019. No further extensions available.

- REG#18373: Applicant:** Millstone Property Holdings, LLC **Application:** To amend Section 29-2.B, Section 29-5.A.3 and Section 29-5.A.4 of Wilton Zoning Regulations to establish regulatory provisions for "agritourism" (educational, recreational and entertainment activities conducted in conjunction with a working farm or agricultural operation) as a special permitted use in the Single-Family Residential Districts, and to allow offices accessory to a farm or riding stable as a permitted accessory use

Date of Commission Receipt:	11/26/2018
Initial Public Hearing Opening Date:	12/10/2018
Public Hearing Status:	Public comment period is open. Public hearing must close by 1/28/2019 unless applicant consents to extension.

**WITHDRAWN.**

3. **REG#18375: Applicant:** 200 Danbury Road, LLC **Application:** To amend 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 for properties with frontage on Route 7, served by sewer and water, with a minimum lot size of 2 acres and a minimum lot frontage and width of 200 feet, when located in the Design Retail Business (DRB) Zoning District.

Date of Commission Receipt:	12/10/2018
Initial Public Hearing Opening Date:	1/28/2019
Public Hearing Status:	Public comment period is open. Public hearing must close by 2/28/2019 unless applicant consents to extension.

4. **SP#451: Applicant:** O'Brien/O'Meara **Application:** To permit an accessory dwelling unit within an existing barn/accessory building, pursuant to Section 29-4.D.1 of Wilton Zoning Regulations, including a small addition to the existing barn to accommodate an elevator to the second floor; and a gravel driveway to the unit; for property located at 25 Heritage Ct

Date of Commission Receipt:	12/10/2018
Initial Public Hearing Opening Date:	1/28/2019
Public Hearing Status:	Public comment period is open. Public hearing must close by 2/28/2019 unless applicant consents to extension.

## REGULAR MEETING

### A. CALL TO ORDER SEATING OF MEMBERS

### B. APPROVAL OF MINUTES

1. January 14, 2019 – Regular Meeting
2. January 17, 2019 – POCD Special Meeting

### C. ACCEPTANCE OF NEW APPLICATIONS

1. **SP#453: Applicant:** O'Brien/SSS Investment LP **Application:** Request to add a new building with three (3) one-bedroom apartments pursuant to Section 29-5.C.5 of zoning regulations pertaining to Adaptive Use, for property located at 487 Danbury Road

*Public hearing must open by 2/25/2019 unless applicant consents to extension.*

### D. SITE DEVELOPMENT PLAN REVIEW

## **E. PENDING APPLICATIONS**

1. **SP#449: Applicant:** Wilton Heights, LLC **Application:** To allow stores and shops for the conduct of retail business, pursuant to Section 29-6.C.3.a of zoning regulations; and to allow dwelling units located above street level stores/offices pursuant to Section 29-6.C.4.b of zoning regulations, for property located at 300 Danbury Road and at 3, 7 and 11 Whitewood Lane, and additional properties on Whitewood Lane known as Assessor's Map #58, Lots #37 and #39  
*[Application status noted above]*
2. **REG#18373: Applicant:** Millstone Property Holdings, LLC **Application:** To amend Section 29-2.B, Section 29-5.A.3 and Section 29-5.A.4 of Wilton Zoning Regulations to establish regulatory provisions for "agritourism" (educational, recreational and entertainment activities conducted in conjunction with a working farm or agricultural operation) as a special permitted use in the Single-Family Residential Districts, and to allow offices accessory to a farm or riding stable as a permitted accessory use  
**WITHDRAWN.**
3. **REG#18375: Applicant:** 200 Danbury Road, LLC **Application:** To amend 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 for properties with frontage on Route 7, served by sewer and water, with a minimum lot size of 2 acres and a minimum lot frontage and width of 200 feet, when located in the Design Retail Business (DRB) Zoning District.  
*[Application status noted above]*
4. **SP#451: Applicant:** O'Brien/O'Meara **Application:** To permit an accessory dwelling unit within an existing barn/accessory building, pursuant to Section 29-4.D.1 of Wilton Zoning Regulations, including a small addition to the existing barn to accommodate an elevator to the second floor; and a gravel driveway to the unit; for property located at 25 Heritage Ct  
*[Application status noted above]*

## **F. COMMUNICATIONS**

1. **Talbot House LLC**, 426 Danbury Road, Request to convert existing retail/office space in an Adaptive Use structure known as the "Carriage House" into four (4) new apartments, resulting in a total of five (5) apartments on the site, pursuant to Adaptive Use regulations
2. **Communication from Village District Consultant Committee** Chairman Rob Sanders regarding future role of Committee
3. **Communication from First Selectwoman Lynne Vanderslice** concerning POCD concepts and ideas

## **G. PLAN OF CONSERVATION AND DEVELOPMENT (POCD) UPDATES**

1. Continuing discussion pertaining to the POCD (as needed)

## H. REPORT FROM PLANNER AND/OR COMMISSION MEMBERS

### I. FUTURE AGENDA ITEMS

1. **CHZ#18376: Applicant: Motors Group Associates LP Application:** Proposed change of zone from Residential (R-1A) District to General Business (GB) District; for property located at 10 North Main Street  
**Public Hearing – Feb 11, 2019**
2. **SP#452: Applicant: Friends of Ambler Farm, Inc. Application:** To allow modifications to conditions of approval of SP#288D pertaining to noise restrictions; types and frequency of meetings/events allowed on site; and restrictions on attendance numbers at 257 Hurlbutt Street  
**Public Hearing – Feb 11, 2019**

### J. UPCOMING MEETINGS

1. Monday, February 4, 2019 – Special Meeting (Annex, Room A, 7:15 PM)
2. Monday, February 11, 2019 – Regular Meeting (Annex, Room A, 7:15 PM)

### K. 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.

**PROPOSED TEXT AMENDMENT TO SECTION 29-6.E.**

**(Additions indicated in bold, red, underline)**

**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, <b><u>E</u></b> )	2/35(c)	3/42(c, f) *

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

200 Danbury Road, LLC

December 4, 2018

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 <u>(g)</u>	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

December 4, 2018

- (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) Properties with frontage on Route 7, served by sewer and water, with a minimum lot size of two (2) acres, and a minimum lot frontage and width of 200 feet shall meet the following standards for Building Height and Floor Area Ratio:**

- (1) Maximum Building Height (Stories/Feet): 3 / 40' (and no more than 48' to the highest ridge for buildings with sloped roofs)**
- (2) Maximum Floor Area Ratio (F.A.R): 0.35**

### DISCUSSION OF THE ZONING TEXT AMENDMENT

#### 1. INTENT

The intent of the amendment is to make properties with certain attributes eligible for greater height and floor area standards. Those attributes, listed below, make the property better suited for development.

- 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

Given the above attributes, development should be encouraged as is consistent with the Plan of Conservation and Development (analysis under 2., below). That encouragement is provided by allowing additional height and floor area.

- Height is increased from two stories to three stories, and from 35 feet to 40 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 0.35 square feet of allowed gross floor area for each square foot of property area. This represents additional floor area of 4,356 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.

## 2. CONSISTENCY WITH THE PLAN OF CONSERVATION AND DEVELOPMENT

The Future Land Use Plan is covered in Chapter 5 of Wilton's Plan of Conservation and Development. On pages 113 and 114 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 Plan of Conservation and Development 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 limits the applicability to properties with sewer and water.**

*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 Plan 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).**

*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.**



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

200 Danbury Road, LLC

December 4, 2018

**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 along Route 7 served by sewer and water.

**3. APPLICABILITY**

Provided with the application is information on 50 properties indicated on the Zoning Map as being partially or wholly within the DRB zone. A series of exhibits are provided indicating the Zoning Map, aerial photo, and basic site data for each. In addition to the consolidated properties of 198 and 200 Danbury Road, there are three properties to which this text amendment could apply. They are: 14 Danbury Road, 190 Danbury Road, and 249 Danbury Road. 14 Danbury Road is currently developed as a strip mall anchored by T.J. Maxx. 190 Danbury Road is currently developed as a car dealership (Devan Chevrolet Buick). 249 Danbury Road was recently renovated as an office building.

**4. CONTEXT**

At each of the four applicable locations, there are other zones and developed properties of the same or greater intensity nearby. An examination of Exhibit 6 of 6 containing 14 Danbury Road indicates the DE-5 zone to the west and north and the GB zone to the north. The DE-5 Zone allows 3 stories and 39 feet and 20% building coverage resulting in a theoretical Floor Area Ratio of 0.60. The GB zone allows a Floor Area Ratio of 0.35. An examination of Exhibit 5 of 6 containing 190, 198, and 200 Danbury Road indicates the DE-5 zone directly across the street to the west which is developed as Wilton Crossing – a 50,000 square foot office complex with three floors; and to the northwest is the Sunrise Assisted Living Facility under construction as approved at three stories a 20% building coverage for de facto FAR of 0.6. An examination of Exhibit 4 of 6 containing 249 Danbury Road indicates the Wilton Center zone to the west and the GB zone to the north. The Wilton Center zone allows three stories and an FAR of 0.50.

Given the above, we find that the text amendment to be appropriate for sites with the attributes listed, consistent with the Plan of Conservation and Development, applicable to sites appropriate for the modest level of additional development rights requested, and in context with nearby and neighboring properties to those applicable sites.