

**TOWN PLAN AND ZONING COMMISSION
TOWN OF FAIRFIELD
MINUTES OF MEETING – MAY 3, 2011**

The Town Plan and Zoning Commission held a meeting at 7:30 p.m., on Tuesday, May 3, 2011, in Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

Members Present: Bryan LeClerc, Chairman; Seth Baratz, Vice Chairman; Richard Jacobs, Secretary; Jim Kennelly, Matthew Wagner

Alternate Member Present: Sally Parker

Town Department Members Present: Joseph Devonshuk, Director
James Wendt, Assistant Director

The Chairman called the meeting to order at 7:20 p.m. Motion was made by Mr. Baratz, seconded by Mr. Jacobs and the members present unanimously **VOTED TO ENTER** into Executive Session to discuss pending litigation regarding 291 Mill Hill Road. No motions were made and no votes taken.

Commerce Drive Planning Study Motion was made by Mr. Wagner, seconded by Mr. Jacobs and the members present unanimously **VOTED TO APPROVE** the proposed amendments to the Plan of Conservation and Development as recommended by the Commerce Drive Planning Study.

Zoning Regulation Amendments Motion was made by Mr. Wagner, seconded by Mr. Kennelly and the members present unanimously **VOTED TO APPROVE** the following amendments to the Zoning Regulations:

Fairfield Zoning Amendment Recommendations
Commerce Drive Station Area Study
Changes to Zoning Ordinance:

10.6.7 Where the underlying zone is Designed Industrial District **or Designed Business Districts** and such District is located within one half mile of an exit or entrance ramp to Interstate 95 or within one half mile of a train station, the maximum allowable dwelling unit density shall be 17 units per acre and each development area shall be not more than 4 acres in areas. Notwithstanding conformity with the criteria set forth in this section, no such District shall be permitted within four (4) miles of an other such District developed pursuant to the provisions of this Section, **unless those Districts are located within the Transit Oriented Development Park.**

10.7.2 The requirements for major or collector road status and minimum frontage may at the discretion of the Commission be waived within the Transit Oriented Development Park.

12.4.18 Residential uses provided it shall not be located on a ground floor and not to exceed more than 50 percent of the total floor area of the building **and not to exceed more than 70 percent of the total floor area of the building when located within the Transit Oriented Development Park** and no building of mixed residential business shall contain more than two stories devoted to residential use. Each dwelling unit must have a minimum floor area of 750 square feet, except that with respect to dwelling units to be occupied exclusively by elderly families, as defined in Section 31.0 or dwelling units classified as affordable housing as defined in Section 31.0, minimum floor area for such units shall be consistent with the requirements of State and Federal programs for elderly and affordable housing.

28.6.1 When dwelling units are located in a Commercial District as permitted in Section 12 of these Regulations, the Residential Parking requirement may, at the Commission’s discretion, be reduced by up to fifty (50) percent.

When dwelling units are located in a Designed Residential District, as permitted in Section 10 of these Regulations, the Residential Parking requirement may, at the Commission’s discretion, be reduced to 1.5 parking spaces per unit.

When dwelling units are located in any district falling within the Transit Oriented Design Overlay, the Residential Parking requirement shall be reduced to the lesser of one (1.0) parking space per bedroom or one and one half (1.5) parking spaces per household.

28.6a Bicycle Parking Standards

Bicycle parking shall be provided as required by this section. Bicycle parking shall be in addition to automobile parking spaces.

Properties with dwelling units for 3 or more families	One (1) for each family
Developments designed exclusively for occupancy by three or more elderly families	One (1) for every (4) families
All commercial establishments except animal sales and services, auto related uses, and warehousing: wholesale and distribution	One (1) for every ten (10) required parking spaces
Educational, recreational, and public facilities	Sufficient bicycle parking as by the Commission

Additions to Zoning Ordinance:

Section 13.0 Regulations for Commerce Drive Area Designed District

13.1 General

The purpose of the Commerce Drive Area Designed District is to ensure that development of various uses located within this district both encourages the use of the passenger rail station and non-motorized transportation opportunities which will both promote the public welfare by lessening congestion on highways and local roads, improve public health through increased activity, and improve the local and global environment through the reduction of greenhouse gas and other emissions from the transportation sector.

13.2 Permitted Uses

For the purpose of this section, underlying zone shall mean either the Designed Commercial District or Designed Industrial District which existed prior to the amendment of the Zoning Map establishing the Commerce Drive Area Designed District. All permitted uses in the underlying zone shall be permitted in the Commerce Drive Area Designed District except those explicitly listed below as prohibited uses. A Special Permit under Section 25.0 of the Zoning Regulations shall be required for any new construction, reconstruction or addition for a use permitted in the underlying zone. Change from one permitted use to another permitted use not including new construction, re-construction or exterior alterations shall require an application to the Commission for a Certificate of Zoning Compliance under Section 2.22 of the Zoning Regulations subject to the Standards of 25.7

13.3 Prohibited Uses

Reference is hereby made to Section 2.4 of the Zoning Regulations for the general principle applicable to prohibited uses. Notwithstanding said provisions, the following uses are explicitly prohibited in the Commerce Drive Area Designed District:

Drive-through restaurants; and Single occupant commercial establishments exceeding 30,000 gross sq. ft. where goods are sold or services rendered primarily at retail.

13.4 Storage and Display

All display of merchandise for sale shall be located in a building unless exterior use is permitted pursuant to a Special Permit granted by the Commission where the nature of the display will not create a traffic hazard, unsightly conditions or obstruct pedestrian access. All refuse must be stored in enclosed containers located within an enclosure.

13.5 Off Street Parking and Loading

For any permitted use of the premises, off street parking and loading shall be provided in accordance with Section 28.0 of the Zoning Regulations except for the following:

Retail Stores	Minimum of one (1) parking space for each two hundred and fifty (250) square feet of retail space
Professional Offices	Minimum of one (1) parking space for each three hundred and thirty three (333) square feet of gross floor area

The applicant shall submit a parking study indicating parking demand, proposed land uses, and rationale for satisfying the parking demand of the proposed land uses. For multiple tenant properties with a common or shared parking area, the total number of spaces otherwise required above or by Section 28 may, at the Commission's discretion, be reduced. The applicant must demonstrate the adequacy and viability of a proposed reduction and such request shall be subject to a public hearing.

13.6 Signs

Signs shall conform to the requirements of Section 29.0 of the Zoning Regulations with respect to the underlying zone.

13.7 Access

Each lot shall have a frontage on, or unobstructed easement of access or private right of way to a public street which is at least thirty (30) feet in width.

13.8 Lot Shape and Area

Each lot shall have a minimum area of ten thousand (10,000) square feet and shall be of such shape that a square with seventy five (75) feet on each side will fit on the lot.

13.9 Height

No building or other structure shall exceed a height of four (4) stories or forty (40) feet, whichever is less.

13.10 Lot Coverage

On any lot, the aggregate lot coverage of all buildings and other structures shall not exceed fifty (50) percent of the area of the lot if the underlying zone is Designated Industrial District and not exceed seventy five (75) percent of the area of the lot if the underlying zone is Designated Commercial District.

13.11 Total Floor Area

On any lot, the total aggregate floor area of all buildings and other structures shall not exceed one hundred (100) percent of the area of the lot if the underlying zone is Designed Industrial District and not exceed one hundred and fifty (150) percent of the area of the lot if the underlying zone is Designed Commercial District.

13.12 Setbacks

On the following sections of road, the minimum setback shall be ten (10) feet and the maximum setback shall be thirty-six (36) feet from the property line. On all other streets within the zone, the minimum setback shall be five (5) feet and the maximum setback shall be (18) feet.

King Highway Cutoff west of New England Avenue

Kings Highway between Kings Highway Cutoff and the south side of the building located at 75 Kings Highway

The station access road from the bridge over the tracks to Black Rock Turnpike

Black Rock Turnpike from the traffic circle south to the northern property line of parcel 80-138

Black Rock Turnpike from the northern parcel line of parcel 80-23 to the southern edge of the surface parking lot in front of 21

13.13 Design Standards

The design of buildings, public spaces, and transportation infrastructure (for all modes) shall conform to the following standards in order to best achieve the goals outlined in the Plan of Conservation and Development section on Commerce Drive:

Parking

- A. No off street parking shall be allowed between a public street and the frontage of a building, other than in a driveway accessory to a residential development. Off street parking shall be allowed only in surface lots on the side or rear of a lot, in an underground lot, or in a parking structure. Parking shall be located as much as possible to the rear of buildings. Parking shall be allowed between a public street and building frontage if it does not obstruct clear pedestrian access to the building frontage and there are unusual site characteristics making it impossible to meet the minimum parking requirement on the side or rear of a building.
- B. Parking areas abutting a public right-of-way, except railroad, shall provide a planting strip between the right-of-way or pedestrian walkway and the parking areas of not less than five feet in width. Optional wall may be in planting strip but shall not be taller than three (3) feet and shall be constructed to be at least forty (40) percent open.

Streetscape

- C. Sidewalks shall be a minimum of five (5) feet in width and shall be located with a five (5) foot buffer between the sidewalk and the curb line. This buffer area shall serve as a tree trench with grass surface along streets without on street parking and shall contain tree pits punctuating a hard surface along streets with on-street parking.
- D. Trees shall be planted within tree pits or within a tree trench every fifteen (15) to twenty-five (25) feet depending on the canopy width at maturity to result in minor overlap.
- E. Wherever a sidewalk or other pedestrian route crosses a lane of vehicle travel within a public right-of-way a crosswalk shall be painted and wherever a sidewalk or other pedestrian route crosses a lane of vehicle travel not within a public right-of-way, a raised crosswalk shall be constructed.
- F. The land between a building and the street or sidewalk must be landscaped and/or hard-surfaced for use by pedestrians. If this portion of the site totals greater than 500 square feet, then the area must contain one or more pedestrian amenities such as benches, drinking fountains, public art and/or other design elements. Single-family dwellings, duplexes, and attached houses are exempt from this requirement.
- G. A direct pedestrian connection must exist linking the primary entrance of each building to a sidewalk along a public street.
- H. A direct pedestrian connection must exist linking an entrance of each building to the train station for any development on a parcel adjacent to the train station.
- I. If a site has a Greater Bridgeport Transit stop along its street frontage, the applicant shall work with the transit agency in locating a transit stop and shelter.
- J. All visible above grade utility structures, including but not limited to electrical control panels, meter, backflow prevention devices, transformers, etc., shall be sufficiently screened from view with landscaping in conformance with landscape provisions in Section 25.7.6. All proposed electric utility wires shall be placed underground when possible.

Building Design

- K. Buildings must orient the primary entrance, or entrances, toward the street or sidewalk. The building may also have other entrances so long as direct pedestrian access is provided from all entrances.

- L. Building facades of greater than one hundred (100) feet in length shall be broken up with projections or recessions of sufficient depth, and in sufficient number, to reduce the unbroken massing into lengths of approximately fifty (50) feet or less along all sides of the building.
- M. At least sixty (60) percent of the portion of ground floor facades between two (2) and ten (10) feet above the ground shall be transparent.
- N. Building facades shall not include reflective glass or other materials on the ground floor.
- O. Building facades shall not include any uninterrupted length of blank wall greater than twenty (20) feet in length.

Lighting

- P. Light posts and luminaries shall be a maximum combined height of 12'0." This height may, at the Commission's discretion, be higher if there are no offsite lighting effects.
- Q. Residential sidewalk foot-candle levels shall range from between 0.2 to 0.5 foot candles with consistency demonstrated through photometric design.
- R. Sidewalks adjacent to mixed use buildings shall provide a range of 0.5 to 0.9 foot candles with consistency demonstrated through photometric design.
- S. Roadways shall be illuminated to 0.6 to 0.9 foot-candles with consistency demonstrated through photometric design.
- T. Full cut-off fixtures are required. House-side shielding is also required adjacent to residential properties.

13.14 Transit-Oriented Development Park

13.14.1 General

The purpose of the Transit-Oriented Development Park within the Commerce Drive Area Designed District is to enable the development of a transit-supportive, mixed use neighborhood within walking distance of commuter rail transit of a scale and design that is appropriate to the existing neighborhood context and to the character of the town consistent with the goals and policies and locations recommended within the Plan of Conservation and Development.

13.14.2 Permitted Uses

Residential for one (1) or more families;
Business and professional offices;
Financial institutions;
Medical and dental clinics;
Retail service stores for cleaning and pressing laundry, including dry cleaning;
Bakeries, catering establishments;
Restaurants and other food service establishments where customers are served only when seated at tables or counters and at least three quarters of the customer seats are located within an enclosed building. Such uses may include food take-out service incidental to the primary permitted use, but shall not include establishments where customers are served in motor vehicles;
Establishments for the rental of automobiles for lease periods of fewer than 30 days;
Barber shops and beauty parlors;
Package stores for the sale, and establishments for the service, of alcoholic liquors, beer, ale or wine;
Stores and other structures where goods are sold or service is rendered primarily at retail;
and

Day Nurseries

13.14.3 Prohibited Uses

Reference is hereby made to Section 2.4 of the Zoning Regulations for the general principle applicable to prohibited uses. Notwithstanding said provisions, the following uses are explicitly prohibited in the Transit-Oriented Development Park: Single occupant commercial establishments exceeding 15,000 gross sq. ft. where goods are sold or services rendered primarily at retail.

13.14.4 Density and Lot Area

Property qualifying as a Transit-Oriented Development Park shall consist of a parcel or qualifying parcels of land having a minimum of thirty-five thousand (35,000) square feet and be located within the Commerce Drive Area Designed District, having or proposing one (1) or more buildings that contain residential uses and any additional land uses permitted herein. If the property has its primary frontage along Commerce Drive or Black Rock Turnpike, one additional land use must be either a restaurant or retail establishment. There is no limit to the amount of land uses than can be combined in a Transit-Oriented Development Park. The maximum allowable residential density shall be fifty (50) bedrooms per acre.

13.14.5 Application to Determine that a Parcel Qualifies as a Transit-Oriented Development Park

A written application for determination that a parcel qualifies as a Transit-Oriented Development Park shall be submitted to the Commission accompanied by the following:

A written statement describing the proposed land use mix, the area of the site, the assessor's map and parcel number, name and address of the applicant and owner;

An Affordability plan providing information on the construction and management of Below Market Rate housing units as described in 13.14.7;

A conceptual site plan, which means a plan drawing or drawings prepared by a professional engineer, surveyor, or landscape architect licenses to practice in the State of Connecticut, drawn to scale of not less than sixty (60) feet to the inch showing the conceptual plan of the development within the Transit Oriented Development including contemplated buildings, structures, streetscape, driveways, and off-street parking;

Said conceptual site plan shall include a zone legend providing data pertaining to the contemplated buildings and structures including height, lot coverage, total floor area, and parking;

Elevation drawings prepared by an architect showing the conceptual façade design of each building frontage;

A photo-simulation showing the building(s) in its context prepared from two vantage points to be chosen by the Town Planning staff.

Town Plan & Zoning Commission may, in its discretion hold a public hearing on a request for determination that a parcel qualifies as a Transit-Oriented Development.

13.14.6 Off-Street Parking

For any permitted use of the premises, off street parking and loading shall be provided in accordance with Section 28.0 of the Zoning Regulations and Section 13.5 of the Zoning Regulation pertaining to the Commerce Drive Areas Designed District except that the number of spaces required for residential uses shall be reduced to the lesser of one (1.0) parking space per bedroom or one and one quarter (1.25) parking spaces per household.

13.14.7 Below Market Rate Housing

Not less than 10% of dwelling units created within a Transit-Oriented Development Park shall be Below Market Rate (BMR) units, affordable to households earning not more than eighty percent (80%) of median household income for the Bridgeport, CT HUD Metro Fair Market Rent Area (HMFA), BMR units shall be comparable in average size to the BMR units shall be comparable in average size to the average size of market rate units and shall be reasonably distributed throughout the project.

Rental restrictions shall remain in full force and effect for so long as the building or development exists, and shall be administered in accordance with written guidelines as adopted and periodically revised by the Town Plan and Zoning Commission. BMR units offered for sale shall remain subject to resale controls for so long as the building or development exists, and shall not exceed a resale price equal to the current BMR sale price for a comparable unit, as set forth above. The allowable resale price may be reduced if the physical conditions reflect abnormal wear and tear due to neglect, abuse or insufficient maintenance. BMR sale and resale requirements shall be administered in accordance with written guidelines as adopted and periodically revised by the Town Plan and Zoning Commission, with suitable restrictive covenants in deeds, running with the land and senior to all financing instruments, to carry out and effectuate these obligations.

Management Plan

A proposal to establish BMR units shall be accompanied by a management plan ("Affordability Plan"), subject to approval of the Town Plan and Zoning Commission, providing all of the necessary information and documentation to ensure the construction and continued operation of affordable housing, including the following:

- i) the person or organization responsible for administering the plan, including the application procedures and screening criteria to determine the income eligibility of applicants, and reporting and enforcement mechanisms;
- ii) affirmative fair marketing procedures governing the sale or rental of the BMR units;
- iii) proposed sale or rental prices of BMR units and the basis for their determination;
- iv) identification and timetable for the completion and even distribution of the BMR units among the market-rate units in the development; and
- v) other information as may be required by the Town Plan and Zoning Commission,

13.14.8 Signs

Signs shall conform to the requirements of Section 29.0 of the Zoning Regulations.

13.14.9 Height

No building or structure shall exceed sixty (60) feet in height.

13.14.10 Setback

No building or structure shall be closer than ten (10) feet or farther than eighteen (18) feet from any public street line or Private Right of Way which abuts it.

No building or structure shall be closer than ten (10) feet from any property line.

13.14.11 Additional Setback

Any building or other structure, or portion thereof, exceeding a height of thirty-five (35) feet shall be set back five (5) feet, in addition to the applicable minimum setback requirement, along any frontage facing a public street or pedestrian walkway.

13.14.12 Lot Coverage

The aggregate lot coverage of all buildings and structures shall not exceed eighty (80) percent of the entire parcel.

13.14.13 Public Water, Public Sanitary Sewers

All property located within a Transit-Oriented Development Park must be serviced by public water and public sanitary sewer.

Motion was then made by Mr. Jacobs, seconded by Ms. Parker and the members present unanimously **VOTED TO RECOMMEND TO PUBLIC HEARING** the boundaries of the new zoning district just created as well as the recommended changes from Designed Industrial District to Designed Commercial District.

The Commission also agreed to set the effective date of the regulation amendments to be coincident with the effective date of the upcoming zoning boundary changes.

The Commission then entered into a general planning discussion. The Commission discussed issues related to sign regulations and to parking.

This meeting adjourned at 10:30 p.m.

James R. Wendt, AICP
Assistant Director

Richard P. Jacobs
Secretary

