

MAP or TEXT AMENDMENT APPLICATION

WESTPORT PLANNING AND ZONING COMMISSION

OFFICE USE ONLY

Application # 16-054
Submission Date: 11-23-16
Receipt Date: 12-1-16
Amount Fee Paid: 560.00

- TEXT** – AMENDMENT TO ZONING REGULATIONS
 MAP – AMENDMENT TO ZONING REGULATIONS

 TEXT – AMENDMENT TO TOWN PLAN CONSERVATION AND OF DEVELOPMENT
 MAP – AMENDMENT TO TOWN PLAN CONSERVATION AND OF DEVELOPMENT

1. Applicant's Name: Redniss and Mead c/o Richard W. Redniss Daytime Tel: 203-327-0500

Applicant's Address: 22 First Street-Stamford, CT 06905 E-mail: rick.redniss@rednissmead.com

2. For Text Change Only: Section: 5-2 & 6-6

MAP CHANGES

3. Property Address: N/A

4. Property ID# (9 Digits - staff will provide) N/A

5. Existing Zoning District/Plan Designation: N/A

6. Proposed Zoning District/ Plan Designation: N/A

7. Lot Area: N/A

8. Property Owner: N/A Daytime Tel: N/A

Owner's Address: N/A E-mail: N/A

9. Agent's Name (if different): _____ Daytime Tel: _____

Agent's Address _____ E-mail: _____

10. Zoning Board of Appeals Case # (if any): N/A

11. Metes and Bounds Description of Property: N/A

12. A previous zone change/land use designation has has not been requested for this property
If change was previously requested, indicate date (s) N/A

13. A List or A Map showing each ZBA Variance Case Number for all lots within 250' of subject property.

14. This property is is not within 500' of an adjoining municipality.

15. Estimated time needed for presentation: 20 Minutes

I hereby certify that the above information is correct and that I have submitted herewith all of the pertinent documentation required by the regulations;
In accordance with the P&Z bylaws.

[Signature]
Applicant's Signature (If different than owner)

Owner's Signature (Must be signed)

1. If the applicant is unable to obtain the signature of the property owner, a letter of authorization signed by the property owner may be submitted instead, as per §43-3.3

Explanatory Statement
556 Post Road East
Text Change

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Purpose/Benefits**Overview**

The Town of Westport currently does not have standards for improving existing Automobile Dealerships. Over time this lack of Planning and Zoning Commission oversight practically discourages dealerships from making improvements especially where public safety and residential character are at stake. Through the implementation of this text change, applicants and the town will have a means to improve and modify their Dealership.

The demonstration site is in the General Business District (GBD) and Residence-A. The site has one hundred sixty (160) feet ± of frontage on Post Road East, two hundred sixty (260) feet ± on Rayfield Road, and one hundred sixty (160) feet ± on Spicer Road situated between Terrain to the North, residential homes to the South, a parking lot to the east, and Bagel Maven to the West.

Currently there are two sites eligible for the proposed changes, Volvo of Westport and Honda of Westport. Each of which have at least fifty (50) feet of residential front along with at least one hundred fifty (150) feet of frontage on the Post Road. The eligible sites have fronts on residential streets that create unsafe conditions and poor residential character for the community. Volvo has a front on Rayfield Road that acts more as an extension of the dealership operations, which creates an unsafe residential road. As part of the potential site improvements, side walks, landscaped areas, and trees will replace the 11 parking spaces that now have to back up onto Rayfield Road to exit (see attached Existing and Proposed Demonstration Plan). Honda has a similar residential front on Mills Street (see attached Aerial Exhibits). Through the proposed text change the applicant would have, if and when necessary, the means to redevelop their overall site as well as create more residential character for the community.

This amendment, if adopted, will benefit the Town by allowing flexibility for renovation of Automobile Dealerships, New, which have long been an important part of Westport's commercial and retail composition as well as create a better environment for area residents.

Westport PoCD Highlights

The amendment will also benefit the Town as it addresses some of the goals and strategies established in the 2007 Plan of Conservation and Development including:

- *"2. Enhance programs and policies related to the "greening" of the Post Road and the "adopt-a-spot" program.*
 - a. *Work with the Connecticut Department of Transportation to have Westport manage and enforce the use of the state rights-of-way, in the areas of tree maintenance, signage and parking." Pg. 4-12*
- *"A key charm of Westport is the variety of commercial styles in the town including Saugatuck, the Westport Center area, the Post Road as well as the scattered and well-scaled office parks*

and even tiny commercial uses embedded in some of the residential areas. The Plan welcomes this variety and believes is an important element of Westport's unique strength." Pg. 7-1

- *"Goal: Improve the appearance and functioning of all commercial areas and minimize negative influences on neighboring residential quality of life." Pg. 7-1*
- *"The Plan recommends that the existing Highway Service District be reviewed with the intent of allowing upgrades and changes in use for existing gasoline stations and existing automobile repair shops. At the present time most gasoline service stations and automobile repair garages are non-conforming and as such are limited in their ability to improve or expand." Pg. 7-14*
- *"7. Through changes in zoning regulations, manage driveway access and parking capacity." Pg. 7-18*
- *"9. Maintain present zoning districts that provide a variety of scale on the Post Road and in other commercial areas." Pg. 7-18*

Enclosed with the application is a proposed site plan to demonstrate the implementation of this text.

Description of Changes

The proposal seeks to establish standards for existing nonconforming Automobile Dealerships, New on split-zoned lots in the GBD/Res-A Districts. The proposal will create several new definitions relating to automotive uses and create new standards by adding a new section (6-6.2) to §6-6 (Redevelopment of Split Zoned Properties) for Non-Conforming Automobile Dealerships. All redevelopments under this section are subject to Special Permit and Site Plan approval in accordance with §43 of the Zoning Regulations.

Proposed changes to include:

Section 5-2 (Specific Terms):

Add new definitions and a new qualification under the existing "Change of Use" definition. Currently the regulations do not contain definitions for "automobile" or "automobile dealership". The proposed definitions will also differentiate between "new" and "used" automobile dealerships.

(Proposed) Section 6-6.2 (Non-Conforming Automobile Dealerships):

6-6.2 – Outline the eligibility criteria and permanent requirements for sites intending to use the regulation and special standards.

6-6.2 (1) through (5) – Establish development standards for building coverage, exceptions for floor area, relocation of floor area (FAR), relocation of existing non-conforming signage and parking, and grading within five (5) feet. To allow creative parking solutions for employee parking and vehicle/inventory storage provided that no non-conformity is increased. Confirm limitations for the future reuse of floor area above what is otherwise allowed in the GBD zone with PZC review.

Amend §5-2 “Specific Terms”, by adding:

- Automobile: Any wheeled vehicle that is powered by a fuel or battery source including cars, motorcycles, sport utility vehicles, trucks, and vans, but excluding mobile homes, trailers, campers, and farming or other heavy equipment.
- Automobile Dealership, New: An automobile distribution business that sells new and/or used vehicles at the retail level, based on a dealership contract with an automaker or its sales subsidiary, and does not include wholesale sales, but may include vehicle servicing.
- Automobile Dealership, Used: An automobile distribution business that sells used vehicles at the retail level and does not include wholesale sales, but may include vehicle servicing.

Amend §6-6 “Redevelopment for Split Zoned Properties”, by adding: **6-6.2 Non-Conforming Automobile Dealerships:**

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6-1 Redevelopment of Split Zoned Properties

6-6.1 Non-Conforming Buildings Notwithstanding the above, on lots with a minimum of two hundred (200) feet of frontage on the Post Road containing three (3) or more acres zoned both GBD and Residence A at the time of the effective date of this section (Section 6-6) of the zoning regulations, a non-conforming building(s) and its uses may be allowed full or partial redevelopment, in either or both zones, provided the redevelopment shall result in the reduction, of existing non-conformities of building coverage, total coverage, and floor area, for the entire site treated as a single zoning entity, subject to the following:

- 6-6.1.1 Redevelopment shall be pursuant to Special Permit and Site Plan review, consistent with §34, §35, §43 and §44, unless specifically modified by the Commission, as follows:
 - (a) The requirement of a Residential District Boundary setback per §24-4 shall not apply along the internal boundary line within the site; and
 - (b) In the portion of the site zoned Residence A, floor area may be increased, provided:
 - (i) The overall non-conforming floor area is reduced;
 - (ii) The overall non-conforming building coverage is reduced;
 - (iii) The overall non-conforming total coverage is reduced;
 - (iv) Non-conforming landscaped buffer strips are made to conform to the requirements of §35-2.4; and
 - (v) Existing undeveloped land in the Residence A zone is protected by a permanent conservation easement.
- 6-6.1.2 Where redevelopment is for a motel, hotel, motor inn, or tourist court, the Commission may determine that:
 - (a) The size, location, and operation of “related eating facilities” and meeting room floor area warrants any additional parking spaces.
 - (b) “Related eating facilities” may include, but are not be limited to:

- (i) Self-service of foods already prepared or prepared and cooked quickly to be consumed on the premises, but shall not be a fast food restaurant;
 - (ii) The retail sales of alcohol to be consumed on the premises, as allowed by a Restaurant Permit granted by the Department of Liquor Control and;
 - (iii) Seasonal outdoor seating;
 - (iv) A patron bar.
- (c) Existing non-conforming loading spaces and turning radii located under existing buildings may be allowed to remain.

6-6.2 Non-Conforming Automobile Dealerships

Notwithstanding the above, on lots with a minimum of one hundred fifty (150) feet of frontage on the Post Road and fifty (50) feet of residentially zoned frontage, a minimum of thirty thousand (30,000) square feet of land zoned both GBD and Residence A, and legally used as an Automobile Dealership (New or Used) at the time of the effective date of this section (Section 6-6.2) of the zoning regulations, where the Planning and Zoning Commission makes a finding that the redevelopment significantly improves the streetscape and public safety, a non-conforming building and its uses may be allowed full or partial redevelopment or renovation, in the nonresidential portion of the lot, provided the redevelopment shall result in no increase of building coverage, total coverage, or floor area, except as provided below and subject to the standards herein.

Redevelopment shall be pursuant to Special Permit and Site Plan review, consistent with §34, §35, §43 and §44, except that where nonconformities legally exist, such nonconformities may be maintained, reduced, and/or reorganized, subject to the approval of the Planning & Zoning Commission and the standards outlined below:

- 6-6.2.1 Building Coverage shall not be increased, except to accommodate new building façade materials and/or entryways.
- 6-6.2.2 Exemptions from calculated floor area may include:
 - a) internal vehicular queuing and drop-off for customer vehicle servicing;
 - b) up to 3 showroom display vehicles, each not to exceed a (9'x18') dimension;
- 6-6.2.3 Existing first floor area being removed and/or exempted under this section may be relocated to the second floor, above and up to the face of the existing floor below which may or may not conform to setback standards.
- 6-6.2.4 Legally nonconforming display, employee and visitor parking spaces may be maintained or reorganized, provided that overall front landscaping is enhanced to the satisfaction of the Planning & Zoning Commission.
- 6-6.2.5 Existing conforming or legally non-conforming signage may be updated in its current location and/or relocated to a more appropriate location as determined by the Planning & Zoning Commission.
- 6-6.2.6 Notwithstanding §32-8, grading within five (5') of a front property line may be allowed for removal, installation, and/or relocation of curb cuts, driveways, landscaping, sidewalks and parking subject to the approval of the Planning and Zoning Commission.

Review of Automobile Dealerships

Complying

	Volvo (556 Post Road East)			Honda (1372 Post Road East)		
Zone	GBD SF ±	Res-A SF ±	Total I SF ±	GBD SF ±	Res-A SF ±	Total I SF ±
Lot Area	34,190	10,680	44,870	45,500	14,500	60,000
Frontage (Post Road/GBD)	160' ±			244' ±		
Frontage (Residential)	230 ± on Rayfield Road & Spicer Road			260 ± on Mills Street		

Non Complying

	Toyota (777 Post Road East)			Lexus (1317 Post Road East)	
Zone	GBD SF ±	Res-A SF ±	Total I SF ±	GBD	
Lot Area	62,124	31,240	93,364	.73 Acres	31,799 SF
Frontage (Post Road/GBD)	377' ±			247' ±	
Frontage (Residential)	None			None	

Highway Service District

Maserati (1026 Post Road East)	
Zone	HSD
Lot Area	.67 Acres 29,185 SF
Frontage (Post Road)	226' ±

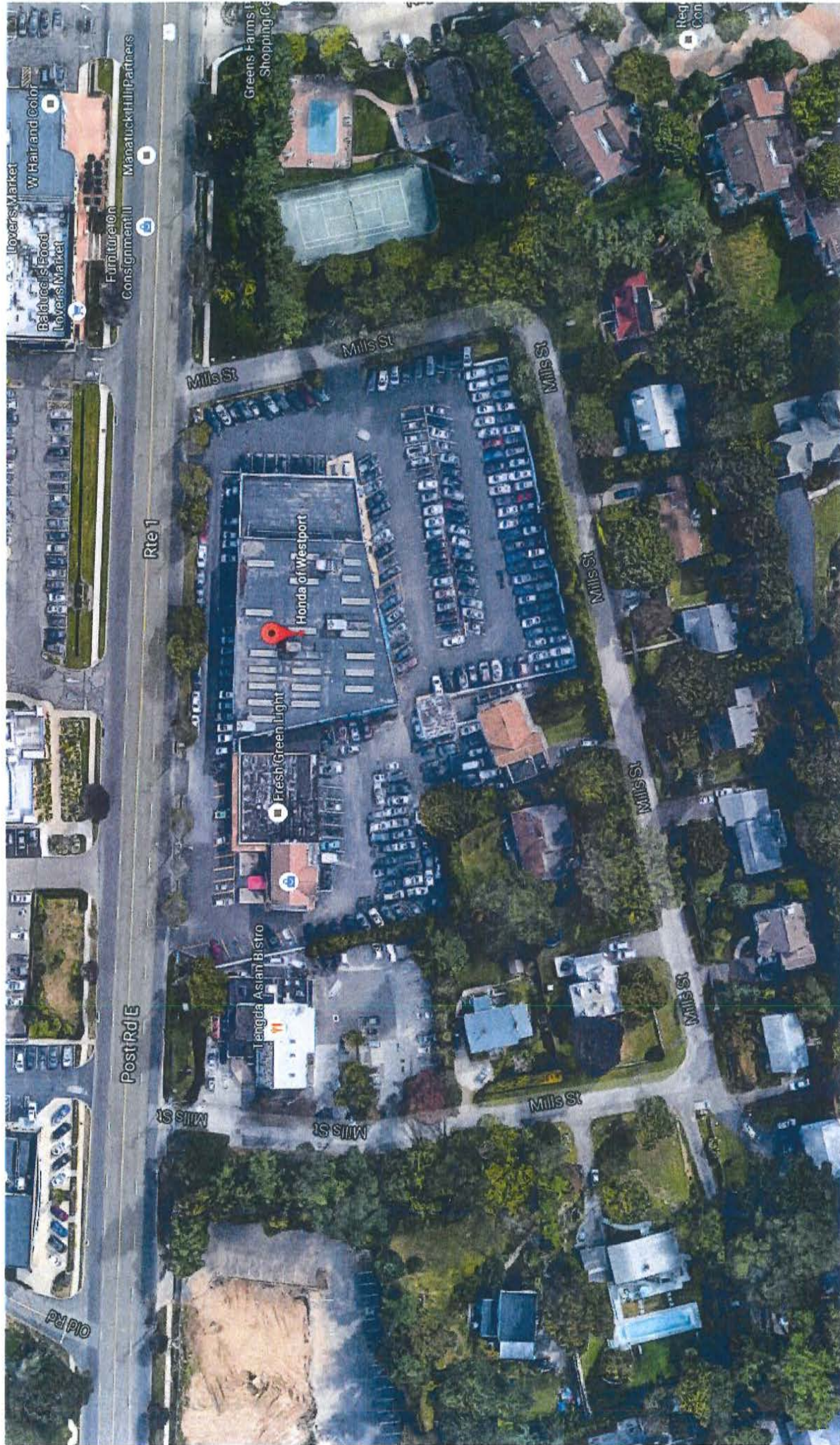
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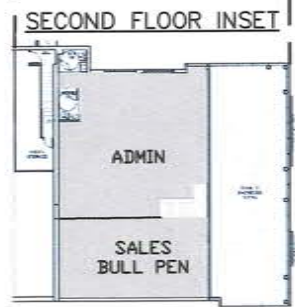
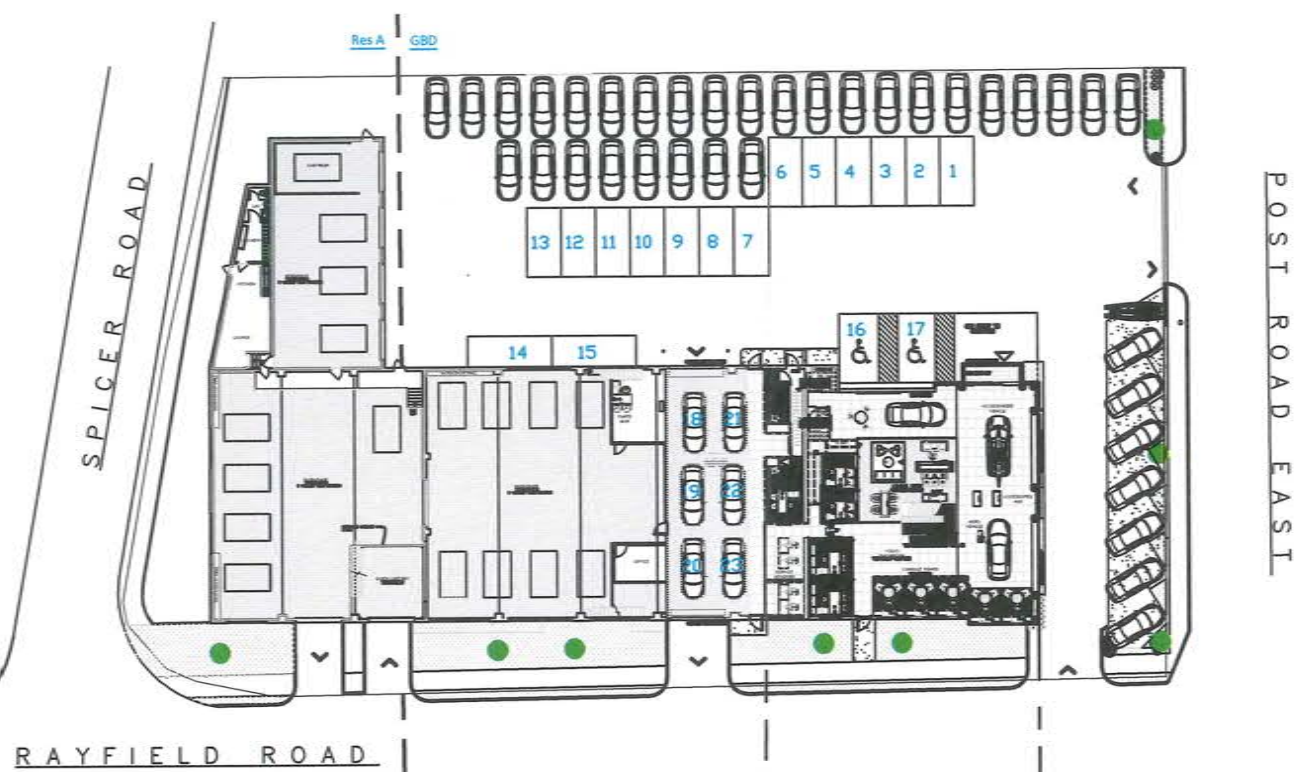
1. Proposed Text Change amending section 5-2 & 6-6 Automobile Dealerships.
2. All information is based on general calculations/estimates using Town of Westport interactive GIS mapping and Gold Imaging property card & tax map software.

**REDNISS
& MEAD**

Honda Aerial



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**EXISTING AND PROPOSED
DEMONSTRATION PLAN**

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LAND SURVEYING
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