



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Tel: 203-341-1030 Fax: 203-454-6145
www.westportct.gov

May 14, 2021

SPECIAL NOTICE ABOUT PROCEDURES FOR THIS ELECTRONIC MEETING:

Pursuant to the Governor's Executive Order No. 7B, *there will be no physical location for this meeting*. This meeting will be held electronically and live streamed on www.westportct.gov. This meeting will also be shown on Optimum Government Access Channel 79 and Frontier Channel 6020. Public comments may be received PRIOR to the Public Hearing and should be sent to PandZ@westportct.gov by 12:00pm the day of the hearing. Public comments may be also be received DURING the meeting if they: (i) are sent to PandZComments@westportct.gov (ii) state your full name and address, (iii) identify the Public Hearing agenda item to which your comment relates, and (iv) are received before the public comment session on that agenda item ends. Comments on Public Hearing items that do not meet these requirements will be placed in the public file but will not be read aloud during the meeting. Comments not pertaining to Public Hearing items will not be read aloud during the meeting. If you would like to give your Public Hearing comments by participating in real time in the meeting, please send an email by noon on May 27, 2021, to maryyoung@westportct.gov stating your name and address and the Public Hearing agenda item to which your comments will relate, and meeting participation details will be emailed to you to enable you to participate in real time in the Public Hearing. Meeting materials are available at www.westportct.gov, on the Planning and Zoning Department web page under "P&Z Pending Applications & Recent Approvals".

NOTICE/AGENDA

PLANNING & ZONING COMMISSION

THURSDAY, MAY 27, 2021

START TIME: 6:00 PM

I PUBLIC HEARING

- 1. Text Amendment #787:** *(This application was opened at the 5/6/21 hearing and continued with testimony to the 5/27/21 hearing)* Appl. #PZ-21-00099 submitted by Redniss and Mead c/o Richard W. Redniss to amend §25, Highway Service District to modify §25-14.1, Purpose, to modify §25-14.2, Special Permit Uses, to modify §25-14.4, Setbacks and to add §25-14, Adaptive Reuse to Residential Development, permitting Multi-Family Development where "Automobile Uses will not be displaced," with a 15% requirement for on-site affordable housing and a limit of two developments. A copy of the text amendment is available on-line at www.westportct.gov, is on file in the Town Clerk's Office, is on file in the Planning and Zoning Office, and is attached to this notice *(Must close by 6/10/21)*.
- 2. 950 Post Road East:** *(This application was opened at the 5/6/21 hearing and continued with testimony to the 5/27/21 hearing)* Special Permit/Site Plan Appl. #PZ-21-00100 submitted by Redniss and Mead c/o Richard W. Redniss to convert an existing commercial building to a multi-family housing containing 14 residential units, pursuant to adoption of pending Text Amendment #787, located in the Highway Service District, PID# F09059000 *(Must close by 6/10/21)*.

3. **Text Amendment #793:** *(This application was opened at the 5/6/21 hearing and continued with testimony to the 5/27/21 hearing)* Appl. #PZ-21-00226 submitted by Peter Romano/ LANDTECH to amend §5, Definitions, to modify the swimming pool definition to exclude swimming pools of a certain size from Total Coverage calculations; to amend §5, Definitions, to create a new definition for Sports Court, and to exclude Sports Courts of a certain size from Total Coverage calculations; to modify §11-2.4 Accessory Uses permitted in a Residence AAA district, to modify language for Swimming Pools to exclude them from Total Coverage calculations; and add language permitting Sports Courts as an Accessory Use to a Dwelling and to exclude Sports Courts from Total Coverage calculations. The amendment if adopted will apply to all properties in all zoning districts. A copy of the text amendment is available on-line at www.westportct.gov, is on file in the Town Clerk's Office, is on file in the Planning and Zoning Office, and is attached to this notice *(Must close by 6/10/21)*.

4. **1076 Post Road East:** Site Plan Appl. #PZ-21-00299 submitted by Fredrick W. Hoag, FWH Architect, for property owned by Post Plaza LLC for façade renovations, parking lot modifications, and to occupy former Barnes & Noble and Marshall's Shoe Store space with a new retail grocery store tenant, for property located in the Highway Service District, PID#F09050000 *(Must open by 7/17/21)*.

III WORK SESSION

(The following items will be discussed and voted on as time permits. The public may observe the work session, but not participate.)

New Business:

- **71 Hillandale Rd- Request to modify Resolution #19-064.**

A copy of the Legal Notice/ Agenda for the Planning & Zoning Commission hearing on May 27, 2021 is available on-line at www.westportct.gov, on the Planning and Zoning Department web page under "Planning & Zoning Department". Due to the closing of Town Hall to the public during the COVID-19 emergency, and pursuant to the Governor's Executive Order #71, the Legal Notice/ Agenda for the Planning & Zoning Commission hearing on May 27, 2021 cannot be viewed at the Westport Town Clerk's Office or the Westport Planning and Zoning Office at this time.

It is the policy of the Town of Westport that all Town-sponsored public meetings and events are accessible to people with disabilities. If you need assistance in participating in a meeting or event due to a disability as defined under the Americans with Disabilities Act, please contact Westport's ADA Coordinator at 203-341-1043 or eplug@westportct.gov at least three (3) business days prior to the scheduled meeting or event to request an accommodation.

Dated at Westport, Connecticut on this 14th day of May 2021, Danielle Dobin, Chairman, Planning and Zoning Commission.

Text Amendment #787/#PZ-21-00099

Submitted: 2/16/21

Revised: 3/29/21

Received: 2/18/21

Public Hearing: 5/6/21

Adopted: _____

Effective date: _____

Deleted language is [~~struck out and in brackets~~]; New language is underlined.

§25 HIGHWAY SERVICE DISTRICT (HSD)

25-1 Purpose

The purpose of the Highway Service District is to provide suitable locations for general commercial, automobile and drive-in type establishments which serve the needs of motorists. These service areas will be limited in number, size and location.

Residential uses are allowed where automobile related uses are not displaced.

25-2.2 Special Permit Uses

25-2.2.6 Multi-Family housing pursuant to the standards in §25-14 below.

25-4 Setbacks

No principal building, structure or use shall extend closer than thirty (30) feet from any front lot line [~~or Residential District Boundary Line~~], fifteen (15) feet from any side lot line, and twenty-five (25) feet from any rear lot line or Residential District Boundary Line. No accessory building or structure shall extend closer than thirty (30) feet from any front lot line or Residential District Boundary Line, and fifteen (15) feet from the side and rear lot lines.

25-14 Adaptive Reuse To Residential Development

Notwithstanding the above, for residential development including adaptive reuse, redevelopment and expansion, the standards of this subsection shall apply.

25-14.1 Setbacks – All structures shall comply 25.4 above, except where existing buildings are adaptively reused. Existing non-conforming buildings may be maintained and expanded vertically. Patios and window wells may extend no closer than fifteen (15) feet from any Residential District Boundary Line or five (5) feet from any non-residential District line. Refuse and recycling areas within accessory buildings may be located within the front yard provided it is at the basement level and appropriately screened.

25-14.2 Height – No building or structure shall exceed two (2) stories and a height of thirty (30) feet to the mid-point of a pitched roof or the top of any flat roof. Mechanical equipment located on the roof shall be exempt from this standard provided the equipment is concealed and that the top of the units are less than six (6) feet above the roof on which they sit.

25-14.3 Coverage – The building coverage shall not exceed thirty (30%) percent and total coverage shall not exceed sixty-five (65%) percent.

25-14.4 Floor Area – The Floor Area Ratio (FAR) shall not exceed 0.50. Floor area associated with basement level parking, enclosed and covered refuse areas, circulation, mechanical, and storage shall be exempt from this calculation.

25-14.5 Density – The maximum number of market rate units shall not exceed 2,250sf of gross lot area per dwelling unit. Onsite Affordable units shall be exempt from this calculation.

25-14.6 Landscaping – Existing parking and drives may remain within buffer areas. A minimum of a five (5) foot buffer shall be required adjacent to any Residence District.

25-14.7 Excavation and Fill – §32-8 of these regulations shall not apply where the PZC, based on review and recommendation from the Town Engineer, makes a finding that the site design is enhanced while not creating any adverse impacts to abutting properties. Such enhancement may include landscaping, buffers, sidewalks, emergency access or other improved design features.

25-14.8 Affordability Requirement – Prior to a final Zoning Certificate of Compliance (ZCC) for developments an affordability plan for all affordable units to be submitted for review and approval by the Commission. The plan shall include the equivalent of 15% of the proposed market rate units to be provided as affordable to households whose income does not exceed 80% of the State Median Income as provided by CT General Statutes §8-30g.

25-14.9 CAP - No more than two (2) Residential developments shall be permitted within the HSD in the Town of Westport.

Text Amendment #793, Submitted by LANDTECH

Dated: 3/29/21Revised: 4/6/21Public Hearing (scheduled for): 5/6/21

Adopted: _____

Effective date: _____

Deleted language is [~~struck out and in brackets~~]; New language is underlined.

From §5, Definitions:

Coverage, Total:

The percentage of a development site in a Non Residence Zoning District, or a lot in a Residence Zoning District, occupied or intended to be occupied by all buildings, structures, parking areas, driveways, swimming pools, tennis courts and similar improvements. Patios and terraces, as defined herein, shall be excluded except if the terrace or patio is 3 feet or more above the adjacent grade at any point, such as with a retaining wall. Parking on unpaved surfaces provided by places of worship, in excess of the minimum number of parking spaces required by §34-5 of these regulations, shall be excluded. Total coverage shall include one-hundred percent (100%) of the building area and parking areas, driveways, ~~[swimming pools]~~ and similar improvements, but only fifty-percent (50%) of a tennis court; swimming pools not to exceed 850sf; sports courts not to exceed 40' x 40' are excluded from Total Coverage. No more than 20% of the land covered by water bodies, watercourses, wetlands, and land of severe topography having slopes of twenty five percent (25%) or greater shall be included in the lot area used for computing the maximum allowable total coverage. Calculations shall be made on forms approved by the Planning and Zoning Commission (See Appendix D).

Swimming Pool:

Swimming pool as defined by the State Building Code, shall be deemed a structure and its surface area as measured from the inside face of the exterior walls shall be excluded from [computed in] Total Coverage. A swimming pool having a supported roof shall be deemed a building and shall be computed in Building Coverage.

Sports Courts:

A specially prepared level playing surface which may have either a full or partial enclosure or fence protecting a playing area for a variety of games. A sports court shall be deemed a structure, limited to 40' x 40' feet and is excluded from Total Coverage.

FROM §11, Residence AAA District

11-2 Permitted Uses

In an AAA Residence District, no land, building, or structure shall be used, and no building shall be hereafter erected, altered, or added to, unless otherwise provided in these regulations except for one (1) or more of the following uses:

11-2.4 Permitted Accessory Buildings, Structures & Uses

The following buildings, structures and uses are permitted:

11-2.4.2

Swimming pools. The setbacks for swimming pools shall be measured from the edge of any deck, pool apron or platform structure adjacent to the pool or otherwise from the exterior lip of the pool to the nearest property lines. The surface area of a swimming pool as measured from the inside face of the exterior walls **and** shall be **~~used in computing~~ excluded from** Total Coverage.

11-2.4.3

Outdoor recreational uses, paddle tennis courts and tennis courts except that only 50% of the surface area of the tennis court shall be used in computing total lot coverage. Tennis courts **~~and~~**, paddle tennis courts **and Sports Courts** accessory to a dwelling shall not be lighted. Any tennis court or paddle tennis court located closer than 50 feet from a side or rear property line shall be screened along said property line in accordance with §35-2.4 (Buffer Strip), herein.