

Open Space Staff Report

# Memorandum

**To:** Members, Planning and Zoning Commission

**From:** Larry Bradley, Planning & Zoning Director

**Date:** February 26, 2015

**Re:** **Map Amendment #687; 60 Compo Road South (Baron's South) Rezoning from Res A/GBD/RPOD to DOSRD #2 (Dedicated Open Space and Recreation District#2)**

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## Statutory Time Lines

Statutory Time Lines: No deadlines for action as application submitted by the Planning and Zoning Commission

## Summary

Have all the documents been submitted by the applicant as required in accordance with §44?	Yes.
Does the application appear to meet all applicable zoning requirements? If not, indicate why not.	Yes.
Other comments?	<p>Members of the Planning and Zoning Commission must consider whether the amendment is consistent with the Zoning Regulations, Zoning Map and the 2007 Town Plan of Conservation and Development as required in accordance with C.G.S. §8-2, <i>Regulations</i>.</p> <p>The Planning and Zoning Commission must also determine if the applicant's Explanatory Statement and any testimony offered at the public hearing is persuasive in concluding the amendment will benefit the Town, in accordance with §42 of the Westport Zoning Regulations.</p> <p>The application appears to be consistent with the Zoning Regulations, Zoning Map and the 2007 Town Plan of Conservation and Development, and will benefit the Town, as discussed herein.</p>

**Description of Application**

Property Owner	Town of Westport
Requested Action	Map Amendment
Purpose	To rezone a Town owned property - 60 Compo Road South (Baron's South) from Res A/GBD/RPOD to DOSRD #2 (Dedicated Open Space and Recreation District#2).
Location	On the south side of Post Road East between Imperial Avenue and Compo Road South (a through lot). The lot is partly within Coastal Area Management (CAM) boundary and partly within the 100 year floodplain. PID #09046000
Lot Size:	21.25 acres
Existing Land Use	The property currently contains the Westport Senior Center and several much older residential buildings some of which are rented by the Town as apartments
Surrounding Land Use and Zoning	There are commercial uses to the North and West in several commercial zones. To the south and east are single family properties in the Residence A zone.
2007 Town Plan of Conservation and Development	<p><i>"Preserve and enhance the quality of the environment in order to provide long term use of the resources to ensure potable water, flood storage, recreation, and scenic beauty" Pg 3-1</i></p> <p><i>"Identify and publicize regulations that will <u>preserve</u> and protect watercourses, water bodies, wetlands, steep slopes, and floodplains, and those that will <u>conserve</u> floodplain fringe areas, wellhead areas, areas of high groundwater availability, and unique/special habitat areas." Pg 3-9</i></p> <p><i>"Preserve and enhance open space and create pedestrian connections within and between open space areas." Pg 4-1</i></p> <p><i>"Preservation of open space is an important issue to Westport residents. It will help protect natural resources; provide flood storage, wildlife habitat, and tree canopy; enhance overall community appearance; and enhance the quality of life of residents and visitors." Pg 4-2</i></p>
Zoning History	See Attached Zoning History – last revised 2/26/15
Applicable Regulations	§42 Amendment of Zoning Regulations

## **Background**

The property proposed to be rezoned is commonly known as the Baron's South Property. The property was acquired by the Town of Westport on January 28, 1999. The Planning & Zoning Commission issued a positive report for the acquisition of this property on March 13, 1997. A copy of that report is attached

In the fall of 2010 the Planning & Zoning Commission issued a positive §8-24 report for the construction of senior housing on this property. A copy that report is attached. It should be noted that two text amendments were reviewed by the Planning & Zoning Commission which were associated with this senior housing development.

In May 2011, Text Amendment #625 was adopted which added a new section, §32-15A to create opportunities for future development of Senior Residential Communities on town-owned property. In September 2014, the Commission denied Text Amendment #677 which sought to change some of the provisions for Senior Residential Communities established in Text Amendment #625.

Baron's South is Town-owned property, 22+ acres in size, and centrally located in Westport. It is situated between Imperial Avenue, Post Road East, and Compo Road South. Vehicular access is currently available from both Imperial Avenue and Compo Road South. Trails and limited access roads also exist on Baron's South.

The property is a Through Lot as defined in the Westport Zoning Regulations as it has frontage on more than one street. The "*Official Building Zone Map*" shows the majority of the lot is located in the Res A zoning district with a small area on the west side located in the Restricted Professional Office District (RPOD), and a small area on the north side located in the General Business District (GBD).

Portions of Baron's South lie in the Coastal Area Management (CAM) zone; the eastern area adjacent to Compo Road South is outside the CAM zone. The property is predominantly located outside any floodplain (Zone X), with a small percentage located in the 500-year floodplain and 100-year floodplain (AE 10', NAVD) adjacent to Imperial Avenue, according to the Town's Geographic Information System (GIS).

Baron's South is outside the Waterway Protection Line Ordinance (WPLO) jurisdiction and does not contain inland wetlands or watercourses, according to the "*Map Showing Approximate Location of Wetlands and Watercourses Boundaries Under the Jurisdiction of the Conservation Commission of the Town of Westport.*" A "potential" wetland area is shown on conceptual development plans for the property prepared by Weston and Sampson.

Baron's South contains steep slopes and rises over one-hundred feet in elevation from west to east, from a low of El. 12', NAVD along Imperial Avenue, to a high of El. 116', then descends again to El. 80' along Compo Road South. The property is heavily wooded and contains many mature trees.

Baron's South is improved with multiple detached residential buildings (#52-72 Compo Road South) located on the east side, and a 11,000 +/- SF building occupied by the Westport Center for Senior Activities (a.k.a. the "Senior Center") and parking lot, located on the west side of the property. Two (2) of the residential buildings are listed on the Historic Resources Inventory (HRI); 52 and 72 Compo Road South.

The residential buildings are served by individual septic systems. The Senior Center building was built less than 10 years ago and is connected to the Town sewer available on Imperial Avenue. Some of the residential buildings are currently occupied others are vacant. The Parks and Recreation Department reports the following uses for the residential buildings as of 10/14/10:

- 52 Compo Road South - Currently being offered for rental housing
- 52 ½ Compo Road South - Occupied rental housing
- 68 Compo Road South - Storage for the Westport Library and United Nations Day
- 70 Compo Road South – Vacant
- 72 Compo Road South – Storage for the Department of Public Works

## **Proposal**

On December 18, 2014 and January 8, 2015 the Open Space Subcommittee of the Planning & Zoning Commission met to propose the rezoning for several Town owned properties to the Dedicated Open Space and Recreation District. The Baron's South property was one of 4 properties which the subcommittee recommended to the full commission to be rezoned. On January 8, 2015 the full Commission voted to accept the recommendation of the Open Space Subcommittee and thus formally submitted a request to rezone 60 Compo Road South to DOSRD #2.

The DOSRD zone has no minimum lot size and there are no other locational or dimensional requirements to evaluate the appropriateness of properties to be rezoned. However, the purpose of the DOSRD zone is to maintain and protect open space. The Baron's South property has large areas of steep slopes and mature trees which meet the criteria within the 2007 POCD as worthy of preservation.

When the DOSRD zone was created in 2004 the Planning & Zoning Commission included a list of 12 properties that could potentially be rezoned to DOSRD. 60 Compo Road South was not included on the list at that time. (See attached copy of property list).

The proposed zoning designation would be DOSRD #2 which according to the purpose statement in §40 would allow for active recreational uses:

*“The purpose of a Dedicated Open Space and Recreation District #2 is to allow certain parks to be used for active recreation such as playing fields, golf courses, tennis courts, beaches and other active organized sports in developed recreation areas. “*

The proposal is to rezone the entire 22+ acres into the DOSRD#2 zone.

### **Analysis/Considerations**

This amendment is consistent with the 2007 Plan of Conservation and Development as it encourages the preservation of open space and potentially environmentally sensitive land that contains steep slopes and mature trees.

The DOSRD #2 Zone only allows for recreational uses and related buildings and structures up to maximum footprint of 2,000 square feet. There is a 30 foot front setback requirement and 25 foot rear and side yard requirements. Building height is limited 26 feet. There is a maximum Total Coverage limit of 25%. All recreational uses in the DOSRD #2 zone must be approved by Special Permit.

The Commission needs to weigh the need for more open space against other needs within the POCD for things such as municipal facilities and housing opportunities. The rezoning of this property to DOSRD #2 would preclude the establishment of the senior housing that was recommended in the positive §8-24 report that was issued in 2010.

It should be noted that in 2007 the First Selectman had a study report prepared by the engineering firm of Weston & Sampson. In the Weston & Sampson report a variety of different uses were analyzed for the Baron's South property. This rezoning would preclude any of the proposed uses from that report to be constructed on this property.

The existing uses on the property which include the Westport Senior Center and several residential building would all become pre-existing non-conforming uses if this application is approved. Any significant changes or modifications to these existing uses would require variances. The Open Space Subcommittee has had discussions about amending the DOSRD regulations to allow these uses to growth and change without the need for variances. Those discussions are ongoing.

The Planning and Zoning Commission acting in their legislative capacity has the authority to adopt, deny, or modify the map amendment. The Commission has the option to rezone the entire property to DOSRD#2 or to modify its proposal to rezone only a portion of the subject property.

C.G.S. §8-2, *Regulations*, requires consideration by the Commission that any regulations shall be made in accordance with a comprehensive plan (zoning regulations and zoning map) and in adopting such regulations the Commission shall consider the plan of conservation and development.

If the map amendment is adopted by the Planning and Zoning Commission, an effective date must also be established by the Planning and Zoning Commission. Staff recommends at least 30 days from the date of adoption.

**Department Comments**

Health Department:	See attached comments, dated 2/24/15
Town Attorney's Office	See attached comments, dated 2/20/15
Public Works Department:	Referral sent
Conservation Department:	Referral sent
Fire Department:	Referral sent
Police Department:	See attached comments, dated 2/19/15
Parks & Recreation Department	Referral sent
Building Official	Referral sent
CT DEEP	No Comments – 2/11/15

**Attached**

- Map Amendment #687 Purpose Statement, dated 1/30/15
- Existing Conditions Map, dated 1/30/15
- Existing Land Use Map, dated 1/30/15
- Proposed Zoning Map, dated 1/30/15
- 8-24 report for Acquisition of Property, dated 3/14/97
- 8-24 report for Senior Housing proposal, dated 11/5/10
- List of potential DOSRD properties from 2004
- WWHD Comments, dated 2/24/14
- Town Attorney's Office Comments, dated 2/20/15
- Police Department Comments, dated 2/19/15