



WESTPORT CONNECTICUT

PLANNING & ZONING
TOWN HALL, 110 MYRTLE AVENUE
WESTPORT, CONNECTICUT 06880
(203) 341-1030 • (203) 341-1079
(203) 454-6145 - fax

Hearing: Feb. 17, 2011 and March 10, 2011
Work Sessions: March 24, 2011, April 7, 2011,
April 14, 2011, May 5, 2011
Decision: May 5, 2011

3/17

May 6, 2011

Honorable Gordon Joseloff, First Selectman
110 Myrtle Avenue, Town Hall
Westport, CT 06880

RE: Text Amendment #625/P&Z Appl. #11-001, Senior Residential Community

Dear Mr. Joseloff:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on May 5, 2011 it was moved by Mrs. Lowenstein and seconded by Mr. Press to adopt the following resolution.

RESOLUTION #11-001

WHEREAS, THE PLANNING AND ZONING COMMISSION met on May 5, 2011 and made the following findings:

1. The application is for a text amendment to the Westport Zoning Regulations to add a new section §32-15A and to modify existing sections §5, §32-8, and §34-5, to create opportunities for future development of Senior Residential Communities on Town-owned property.
2. The amendment was revised by the applicant subsequent to its initial submission, to supersede the original request to replace §32-15, Managed Residential Communities, with §32-15, Senior Residential Communities. The applicant's revision retains the regulations for Managed Residential Communities that allows development of Town-owned land and privately-owned land pursuant to §32-15, and simultaneously provides for development of Senior Residential Communities on Town-owned property pursuant to §32-15A.
3. The amendment also seeks to replace all references in the Zoning Regulations from "Elderly" to "Senior," as recommended by the Planning and Zoning Commission in 2010.
4. The amendment additionally seeks to modify language, as recommended by the Town Attorney's Office that is contained in §19A-6 describing the methods for prioritizing available Affordable and Workforce Housing units.
5. The Text Amendment is the second step in a multi-step approval process necessary to develop a Senior Residential Community on Town-owned property.
6. Thirteen (13) Town-owned properties meet the location requirements for a Senior Residential Community as proposed in Amendment #625. A map and list of qualifying properties was submitted by the applicant and is available in the application file.

7. Location criteria proposed in Amendment #625 to qualify property as eligible for a Senior Residential Community, include:
 - A. Shall be Town-owned;
 - B. Shall have a minimum lot area of 4-acres in the Res AAA, AA, A, and PRD zoning districts, and a minimum lot area of 2-acres in the BCD, GBD, HDD, HSD, RBD, RORD, and RPOD zoning districts; and
 - C. Shall have 200' continuous lot frontage on an Arterial Street as listed in the Road Classifications Table on Pg. 8-2 of the 2007 Plan of Conservation and Development.
8. Baron's South located at 60 Compo Road South is Town-owned property that meets the proposed location requirements and it is the property used by the applicant to demonstrate how the regulations if adopted may be applied and may allow for development of a Senior Residential Community.
9. Baron's South is 22+ acres in size and is located in the Residential A District, General Business District, and Restricted Professional Office District. The property is centrally located in Westport and has frontage on three (3) streets including Compo Road South (Rte. 136), Imperial Avenue, and Post Road East. Portions of the property lie in the Coastal Area Management (CAM) zone. The property contains steep slopes, is heavily wooded, and contains many mature trees. The Westport Center for Senior Activities is located on Baron's South as well as multiple residential buildings some of which are presently used for rental housing and others for storage.
10. The Planning and Zoning Commission in 2010 issued a Positive Report to the §8-24 Request from the First Selectman for:

"A plan to substantially improve property at 60 Compo Road South, known as the Baron's South property, to locate a senior living community that includes below market rate housing opportunities for seniors, and a healthcare component consisting of medical and extended care services which could include independent living and a skilled nursing facility."
11. The applicant's Explanatory Statement identifies some of the benefits associated with adopting the amendment include:
 - A. Addressing an urgent community need to increase the available inventory of below market rate housing, as well as a need to enhance the types of housing choices offered to Westport residents, especially seniors;
 - B. Providing opportunities for seniors with the maximum level of independence thereby allowing residents to age in place, and allowing residents who require little or no care to live alongside residents who may require increasing levels of care;
 - C. Meeting a growing need for skilled nursing beds that can serve residents' needs such as short term rehabilitation, long-term care, advanced dementia, chronic care, and hospice care; and
 - D. Responding to recommendations offered by the Planning and Zoning Commission in the 2010 §8-24 Report to replace existing references contained in the Zoning Regulations from "elderly" to "senior."
12. The proposed amendment was reviewed by the Architectural Review Board which unanimously recommended approval and suggested any future Request for Proposals for a Senior Residential Community might include requirements for additional "green" applications and/or LEED certification requirements.
13. No appraisal or survey of the demonstration site or any other potential site was submitted.

NOW THEREFORE, BE IT RESOLVED that **Amendment #625**: Appl. # 11-001 by the First Selectman for a text amendment to the Westport Zoning Regulations to modify §5, Definitions, to add Assisted Living Facility; to modify §5, Definitions, to add Full Care Living Facility; to modify §5, Definitions, to add Independent Living Facility; to modify §5-2, Definitions, to replace the term "Elderly" with "Senior;" to modify §5, Definitions, to add Senior Center; to modify §5, Definitions, to add Senior Residential Community; to modify §11-2.3.1, to replace the term "Elderly" with "Senior;" to modify §11-2.3.5, to replace the term "Elderly" with "Senior;" to modify §11-2.3, Special Permit Uses Subject to Special Conditions, to add a section for Senior Residential Community; to modify §11-2.4.12D, Permitted Accessory Buildings, Structures, and Uses, to replace the term "Elderly" with "Senior;" to modify §19A-16, Affordable Plan, to replace the term "Elderly" with "Senior;" and to modify existing language regarding establishing a priority system for affordable and workforce housing units; to modify §20-4, Density, to replace the term "Elderly" with "Senior;" to modify §32-2, Elderly Housing-Municipal, to replace the term "Elderly" with "Senior;" to modify §32-2.1, Purpose, to replace the term "Elderly" with "Senior;" to modify §32-2.2, Permitted Uses, to replace the term "Elderly" with "Senior;" to modify §32-11, Group Home for Elderly, to replace the term "Elderly" with "Senior;" to modify §32-11.2, Occupancy, to replace the term "Elderly" with "Senior;" to modify §32-11.5, CAP, to replace the term "Elderly" with "Senior;" to add §32-15A, Senior Residential Community, and corresponding location requirements and development standards, to the list of uses allowed in residential and non-residential districts subject to Special Permit and Site Plan approval from the Planning and Zoning Commission, and to modify §34-5, Parking Requirements Table for a Senior Residential Community and to replace the term "Elderly" with Senior" in other areas of this section; is **ADOPTED as MODIFIED** below, for the following reasons:

1. The definition for Affordable Housing proposed by the applicant in §5-2 is Adopted as Modified, but will be inserted within §32-15A, Senior Residential Community, not in §5-2. The definition will therefore apply only to a Senior Residential Community and not be applicable to other uses listed in the regulations that contain an affordable housing requirement. Some of the proposed language contained in the definition is modified to be consistent with the language contained in the Connecticut General Statutes and other sections of the Zoning Regulations. Language is also added to clarify that any affordable units must be eligible for moratorium points.
2. §5-2, Definitions (Assisted Living Facility) – Adopted as submitted.
3. §5-2, Definitions (Full Care Living Facility) – Adopted as submitted.
4. §5-2, Definitions (Independent Living Facility) – Adopted as submitted.
5. §5-2, Definitions (Senior) – Adopted as submitted.
6. §5-2, Definitions (Senior Center) – Adopted as submitted.
7. §5-2, Definitions (Senior Residential Community) – Adopted as submitted.
8. §11-2.3.1, Elderly Housing, to replace the term "Elderly" with "Senior" – Adopted as submitted.
9. §11-2.3.5, Group Home for Elderly, to replace the term "Elderly" with "Senior" – Adopted as submitted.

10. §11-2.3, Special Permit Uses Subject to Special Conditions, to add a section for Senior Residential Community – Adopted as submitted.
11. §11-2.4, Permitted Accessory Buildings, Structures, and Uses, to replace the term “Elderly” with “Senior” – Adopted as submitted.
12. §19A-16, Affordable Plan, Adopted as modified to replace the term “Elderly” with “Senior,” to insert language as recommended by the Town Attorney’s Office related to establishing a priority system for affordable and workforce housing units, and to change the order of priorities to emphasize Westport residents.
13. §20-4, Density, to replace the term “Elderly” with “Senior” – Adopted as submitted.
14. §32-2, Elderly Housing-Municipal, to replace the term “Elderly” with “Senior” – Adopted as submitted.
15. §32-2.1, Purpose, to replace the term “Elderly” with “Senior” – Adopted as submitted.
16. §32-2.2, Permitted Uses, to replace the term “Elderly” with “Senior” – Adopted as submitted.
17. §32-8.2, Excessive Fill Regulations, to add a new section §32-8.2.1(d) to provide standards for regulating developments of Senior Residential Communities – This section is Not Adopted as a majority of members of the Planning and Zoning Commission were not persuaded of the benefits associated with creating special excavation and fill standards for this use, and the Planning and Zoning Commission finds this section is not consistent with the Zoning Regulations.
18. §32-11, Group Home for Elderly, to replace the term “Elderly” with “Senior” – Adopted as submitted.
19. §32-11.2, Occupancy, to replace the term “Elderly” with “Senior” – Adopted as submitted.
20. §32-11.5, CAP, to replace the term “Elderly” with “Senior” – Adopted as submitted.
21. §32-15A, Senior Residential Community, Add new section title - Adopted as submitted.
22. §32-15A.1, Purpose – Adopted as modified to add language emphasizing that Senior Residential Communities are designed to serve Westport seniors, and shall include preferences for Westport residents for available residential units (affordable or other units).
23. §32-15A.2, Permitted Uses – Adopted as modified. Language is added to qualify 35% of the Independent Living Facility units shall be built and Zoning Certificates of Compliance shall be issued before issuance of a Zoning Permit for any Assisted Living Facility units and/or Full Care Living Facility units. Housing for seniors should be the first priority for development of Town-owned land under §32-15A.
24. §32-15A.3, Accessory Uses - Adopted as submitted.
25. §32-15A.4, Location – Adopted as modified to add the word “Conservation” to correctly cite the following document, “Plan of Conservation and Development.”

26. §32-15A.5, Lot Area, Shape and Frontage – Adopted as modified to identify 200’ of continuous frontage shall be provided to clarify the intent of the regulation, and to remove the word “minimum” as it is not needed.
27. §32-15A.6, Affordable Units - Adopted as modified to change the wording to identify: a priority system shall be established that gives preferences to Westport residents for available affordable dwelling units to the extent possible under federal and state law, to add that the amount of income derived from assets shall be guided by applicable state and federal regulations, to place the definition of Affordable Housing in this section, and to add the Planning and Zoning Commission will condition that units must be eligible to count for moratorium points under §8-30(g).
28. §32-15A.7, All Other Units – New section added to clarify that a priority system shall be established that gives preferences to Westport residents for any units other than affordable dwelling units. Such priorities are appropriate given the use of Town-owned land for projects built under the regulation.
29. §32-15A.8, Density – Adopted as submitted.
30. §32-15A.9, Setbacks – Adopted as submitted.
31. §32-15A.10, Height – Adopted as submitted.
32. §32-15A.11, Floor Area Ratio (FAR) - Adopted as modified to provide clarity.
33. §32-15A.12, Coverage – Adopted as submitted.
34. §32-15A.13, Unit Sizes - Adopted as submitted.
35. §32-15A.14, Open Space - Adopted as submitted.
36. §32-15A.15, Signs - Adopted as submitted.
37. §32-15A.16, Parking and Loading - Adopted as submitted.
38. §32-15A.17, Landscaping, Screening, and Buffer Areas - Adopted as modified to clarify the intent of the regulation.
39. §32-15A.18, Architectural Design – Adopted as modified to remove the requirements in §32-15A.18.3 that all buildings shall have pitched roofs. The modification is made so the amendment may be consistent with other sections in the Zoning Regulations and to enhance flexibility in future design of buildings in a Senior Residential Community.
40. §32-15A.19, Utilities - Adopted as submitted.
41. §32-15A.20, Subdivision – Adopted as modified to add language clarifying the benefits listed in §32-15A may be applied exclusively to property used for a Senior Residential Community and shall not be applied to lots created by future subdivision of property wherein the lots are conveyed for a use other than a Senior Residential Community.
42. §34-5, Parking Requirements Table – Adopted as modified to remove the proposed standard for “Senior Housing,” as part of a Senior Residential Community as this definition/use does not exist and is therefore not necessary.

REASONS

1. The Planning and Zoning Commission finds the amendment is consistent with the Comprehensive Plan.
2. The Planning and Zoning Commission finds the amendment is consistent with the Westport Zoning Regulations.
3. The Planning and Zoning Commission finds the proposed uses are consistent with existing sections contained within the Zoning Regulations that allow for residential alternatives to single-family homes, and allow for health-related facilities including §32-3, Hospitals and Other Medical Institutions; and Assisted Living Facilities pursuant to §32-15, Managed Residential Facilities.
4. The Planning and Zoning Commission finds the amendment is generally consistent with the 2007 Town Plan of Conservation and Development, and the following goals and strategies in particular:
 - *"It is a goal of this Plan to seek ways to expand the variety of housing choices and options of Westport in order to help meet the needs of existing and future residents while maintaining the character and integrity of the town." Pg. 6-1*
 - *"Westport should continue efforts to help seniors who may not want or need large single-family houses to remain in Westport and to provide opportunities for others. Since single-family detached housing may not meet the needs of all people, the Plan recommends that Westport explore ways to diversify the housing portfolio of the community." Pg. 6-2*
 - *"Require all housing construction in Westport either provide affordable housing units or pay into an affordable housing trust fund." Pg. 6-4*
 - *Consider modifying the zoning regulations to allow municipal facilities to have greater coverage (building and impervious) through a Special Permit." Pg. 9-7*
 - *"Evaluate the zoning regulations for ways to reduce land coverage and building size to conserve energy." Pg. 11-5*
5. The Planning and Zoning Commission accepts the applicant's Explanatory Statement citing the need for a residential community which would:
 - A. Provide opportunities for seniors with the maximum level of independence thereby allowing residents to age in place, and allowing residents who require little or no care to live alongside residents who may require increasing levels of care.
 - B. Address a real community need to increase the available inventory of below market rate housing, as well as a need to enhance the types of housing choices offered to Westport residents, especially seniors; and
 - C. Meet a growing need for skilled nursing beds that can serve residents' needs such as short term rehabilitation, long-term care, advanced dementia, chronic care, and hospice care.
6. The Planning and Zoning Commission finds the amendment will benefit the community by allowing for the development of senior dwelling units on Town-owned land that qualify for moratorium points pursuant to the affordable housing provisions listed in Connecticut General Statutes §8-30(g).

7. Regulatory and other approvals will be required to develop a Senior Residential Community on Town owned property including, but not limited to, the following:
- A. Approval from the Planning and Zoning Commission pursuant to C.G.S. §8-24 for leasing of public property;
 - B. Site Plan and Special Permit approval from the Planning and Zoning Commission for construction of a Senior Residential Community, or any part thereof, pursuant to the adoption of this zoning regulation;
 - C. Development approvals from Town Departments and agencies other than the Planning and Zoning Commission, as necessary pursuant to §44-2 of the Zoning Regulations, prior to final development approval by the Commission;
 - D. Development approvals from State Departments and agencies as applicable which may include: the State of Connecticut Department of Transportation (ConnDOT), the State Traffic Commission (STC), and the State of Connecticut Department of Social Services who is responsible for issuing a Certificate of Need (CON) for a Skilled Nursing Facility if proposed;
 - E. Review by the Historic District Commission for any demolition of any buildings older than 50 years; and
 - F. Review by the Architectural Review Board for construction of any new buildings proposed as part of a Special Permit/Site Plan application.

VOTE:

AYES	-5-	{Corwin, Lowenstein, Press, Lathrop, Jinishian}
NAYS	-2-	{Krawiec, Walsh}
ABSTENTIONS	-0-	

EFFECTIVE DATE: MAY 31, 2011

Very truly yours,



Ron Corwin,
Chairman,
Planning & Zoning Commission

Attached
Adopted Text Amendment #625