

**SUMMARY MINUTES  
PLANNING AND ZONING WORKSHOP  
JUNE 28, 2011**

Members Present: Joseph Diminico, Kevin Dougan, Andy Kidd, Eric Prause, Horace Brown, John Chaput, Susan Shanbaum

Staff Present: Mark Pellegrini, Renata Bertotti

The purpose of the workshop was to review four significant issues related to the new form-based code proposed for the Broad Street redevelopment area. The issues were identified at the joint PZC/RDA meeting of May 26, 2011. These minutes summarize the workshop discussion.

***How much of the area should be rezoned to the new regulations?***

The question was whether to rezone all of the properties in the Redevelopment Area to the new form-based code or to rezone only the Town owned Parkade and the Nichol's properties and establish the new regulation as an overlay zone in the remainder of the area. The intention of the latter approach was to avoid creating nonconforming uses or structures. At the same time it was hoped property owners would choose to follow the new form-based code if they were in the overlay zone. Because overlay zones are sets of rules that apply in addition to the underlying zoning regulations, creating an either/or approach would be difficult to establish and regulate.

In order to evaluate the potential impact of adopting the form-based code in the entire redevelopment area the planning department staff compared the existing General Business (GB) zone uses with the proposed uses in the form-based code. Uses that would allowed in the new zone that are not presently allowed in the GB zone are:

- Residential uses
- Convention/Conference centers
- Veterinary clinics
- Farmers' market
- Public parking structures/lots
- Outdoor theater
- Commercial greenhouse

The existing uses that would become nonconforming are:

- Drive-through restaurants
- Light industrial uses
- Drive-through windows
- Auto service station and repair
- Auto service station and convenience store
- Gasoline service stations.

Based on this comparison the staff suggested the new regulations create significant opportunities for new development rights that are not currently permitted in the General Business zone. If the PZC did not want to create nonconforming uses, one solution is to adopt provisions stating that any of the potentially nonconforming uses which were legal and conforming at the time of the adoption of the regulation would be considered legal and conforming going forward. This provision already exists in the Manchester zoning regulations in several districts. In the GB zone, this applies to group dwellings (of which there are none in the redevelopment area) and gasoline stations.

PZC members present felt it was worth proposing rezone the entire redevelopment area to the new zone because it provides greater development rights and options than the general business zone, and the new regulation could be drafted to protect existing businesses.

The staff also compared the GB regulations with the proposed regulations regarding the creation of nonconforming structures. There are two provisions in the form-based code which would create nonconforming conditions as follows:

- A requirement that buildings be setback no more than 25' from the street right-of-way.
- A requirement that buildings be a minimum or maximum width along the street frontage (80% or 90% minimum to 100% maximum depending upon commercial building type).

A review of a map of the redevelopment area showing property lines and buildings illustrated that many buildings are set back more than 25', although there are many buildings at or very near the 25' limit. The proposed form-based code contains provisions for the expansion of nonconforming structures as long as the expansion brings the building closer to meeting the new standards. Generally this means building to the front to reduce the setback from the street or building to the side to increase the width of the building on the street. PZC and the staff felt these were reasonable provisions. It was suggested that a provision be added that would allow for an alternate compliance procedure so building owners in a position where it is not practical or feasible to expand as permitted in the regulation could get PZC approval for a feasible expansion.

PZC members felt the initial public draft should propose rezoning the entire area to the new district. The reason is that the regulation has considerable value in terms of uses and lot and building coverage and floor area over the existing regulations.

### ***How many uses should be special exception uses in the new zone?***

The PZC and RDA members at the May 26, 2011 joint workshop wanted to reexamine the number of required special exception uses in the form-based code draft in the interest of minimizing the number of special exceptions. The staff distributed the use comparison table with staff recommendations on which uses should be permitted and which should be special exceptions. In arriving at their recommendation the staff looked at the existing GB zone and generally followed the current permitted and special exception use breakdown. The

recommendation would eliminate approximately 20 special exception uses from the original form-based code draft. The PZC generally agreed with the approach for the initial public discussion, but staff encouraged them to continue to review the use comparison table.

***Can we reduce the number of subdistricts in the proposed new zoning from the current three?***

The proposed form-based code calls for three subdistricts – commercial, residential, and entertainment. The intent of the subdistrict was to reflect the desired land use pattern in the adopted Broad Street Redevelopment Plan. Some members thought this was unnecessarily complicated. The staff reviewed the subdistricts and the use table and compared combining the commercial and entertainment district to combining the commercial and residential districts.

The staff recommended combining the commercial and entertainment districts since most uses were allowed in both subdistricts. This combination allows for maximum flexibility to developers and owners. It was noted that the RDA can use their solicitation and land disposition process to further control the actual uses on various segments of the property and could therefore have a more focused entertainment district. The staff also proposed reducing the number of commercial uses permitted in the residential subdistrict and limiting them to the frontage zones. In this way commercial uses would be allowed but only on the ground floor and only in frontage zones and not interior to residential blocks. The regulations could also include an alternate compliance provision in the event the ground floor limitation is found to be too constraining for certain types of otherwise permitted commercial uses. The PZC agreed to combine the commercial and entertainment districts and revising the residential district as proposed as part of the initial public discussion draft.

***Should there be provisions for a minimum number of affordable housing units in the new regulation?***

The proposed regulations as drafted would require a set aside of 20% of the units as affordable to households earning 50% of the area median income, or 25% affordable to individuals earning less than 80% of the area median income. The staff agreed with the PZC and RDA members concerns that percentage was too high. Staff suggested a requirement of 10% of the units at 80% of median income was a reasonable requirement. The staff distributed the current Hartford area income information to show the 80% median income levels and what 30% of the income level would translate to as affordable housing costs.

Some members felt there should not be any requirement for affordable units. They were concerned that this would discourage developers from purchasing and developing the property and they did not want to jeopardize and successful redevelopment proposals. Others thought the requirements should remain to ensure there are a mix of incomes in the development. Some argued the 20% affordability level should be required. There was also an opinion that whether an affordable housing requirement was included or not, given the location of the Broad Street and the condition of the properties and the surrounding neighborhoods any development would likely need gap financing which would come from public source that would require an affordable housing component.

There was no consensus on how to proceed with the affordable housing provision in the first public discussion draft. PZC members wanted to hear the RDA's opinion on the matter. It was noted that the Redevelopment Plan itself referred to mixed-income housing and not affordable housing.

At the conclusion of the workshop the PZC indicated they would continue to review the use tables and would wait to hear from the RDA. The PZC was also interested in having a joint meeting with the RDA before a final first discussion draft was put forth. They also agreed it was preferable to have an informational workshop with property owners and business owners in the redevelopment area before a final application draft was accepted for public hearing and consideration for adoption. Staff said it is not likely that a public information session would be held until after Labor Day, since it would take time to revise the regulations based on the results of this workshop and the future joint workshop with the RDA, and there may be further refinements after an informational meeting. It is not likely that an application for the new code would be accepted by the Commission until October at the earliest.

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