

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
JUNE 1, 2020**

MEETING HELD VIA ZOOM

ROLL CALL:

Members Present: Eric Prause, Chairman
Patrick Kennedy, Vice Chairman
Michael Stebe, Secretary
Jessica Scorso
Jessica Poland

Alternate Members: Julian Stoppelman
Bonnie Potocki
Teresa Ike

Also Present: Gary Anderson, Director of Planning
Megan Pilla, Senior Planner
David Laiuppa, Environmental
Planner/Wetlands Agent
Nancy Martel, Recording Secretary

The Chairman opened the Public Hearing at 7:00 P.M. The Secretary read the legal notice when the call was made.

TOWN OF MANCHESTER PLANNING & ZONING COMMISSION – Comprehensive revisions to the Form Based zone regulations at Art. II, Sec. 26 to simplify and clarify requirements to encourage desired development. – Zoning Regulation Amendment (2020-019)

Megan Pilla, Senior Planner, spoke on behalf of the Manchester Planning Department, which has prepared a proposed comprehensive zoning regulation text amendment to Art. II, Sec. 26, Form Based zone. The intent of the text amendment is to update regulations for this zone to encourage desired development, including development of the Parkade site, and to clarify parts of the section that may have been unclear or redundant. Ms. Pilla reported that the Form Based zone was established in 2012 and has not been comprehensively updated since it went into effect. The intent of the Form Based zone remains the same – to facilitate an appropriate mix of commercial, residential, entertainment, civic and recreational uses within a traditional pedestrian oriented development pattern and supported by attractive street designs and building forms.

Ms. Pilla stated that these goals are consistent with the Plan of Conservation and Development, in particular Goal #2, Objective 1, which states, “The Town should aim to adopt zoning regulations that promote vibrant, walkable neighborhoods by incorporating design standards for streets and public spaces that create a sense of place, require a mix of uses within walking distance of transit, promote business uses on street level and create attractive and well-lit pedestrian corridors.” The comprehensive regulation revision aims to maintain that same intent.

The proposed revisions are comprehensive, according to Ms. Pilla, and many are minor changes to language or grammar for clarity and consistency. She displayed the more substantial changes to content in the order in which they appear in the regulations.

The Form Based zone was originally designed to include two subdistricts, FBZ-1 and FBZ-2, Ms. Pilla reported. Both subdistricts were intended to be higher density mixed use with FBZ-1 considered the Commercial Mixed Use subdistrict, and FBZ-2 considered the Residential Mixed Use subdistrict. She stated that FBZ-2, with a focus on commercial and residential uses, is located centrally within the Form Based zone and includes the area of the Parkade. It was envisioned as a residential hub for the mixed use zone with an emphasis on commercial ground floor uses on the Green Manor Boulevard frontage as well as a future primary street frontage within the Parkade development, and residential and civic uses in the interior. The remainder of the zone, the FBZ-1 subdistrict, supports uses such as retail stores, entertainment facilities, restaurants, offices and lodging, and some multi-residence housing. Both subdistricts included frontage zones with certain limitations on ground floor uses.

Ms. Pilla reported that the proposed revision dissolves the two subdistricts, establishing the FBZ as one cohesive zone, which is an evolution of the intent for development within the zone. Higher density mixed use with a residential component is still the goal. However, the impending development of the Parkade will create a residential mixed use hub central to the zone, which was the intent of the FBZ2 subdistrict. Ms. Pilla added that the delineation is no longer necessary to achieve the intent. Maintaining two distinct subdistricts complicates the regulations for the zone by necessitating separate regulations for each subdistrict. Frontage zones will remain the same with the same ground floor limitations. The intent of the frontage zones is to carry the user experience along the main thoroughfares within the zone, maximizing exposure to local businesses and promoting walkability and community connection.

Language added to Section 26.02.02 (a), according to Ms. Pilla, is to clarify that the alignment of potential future streets shown on the regulating plan is approximate and may be realigned. She stated that this is specifically in reference to the area of the future Parkade development. A minor change to the descriptions of two of the primary street types identified in Table 26.01 clarifies that street tree plantings should consist of multiple species as opposed to a single species. It was previously required that all primary streets within the FBZ be publicly dedicated and accepted by the Town; however, the proposed revision states that primary streets may be private but ensure public access. Ms. Pilla explained that Figure 26.2, which describes the different thoroughfare types and design standards, is reorganized from largest to smallest for continuity and clarity.

Ms. Pilla explained that the proposal is to remove Sec. 26.02.03, regarding private frontage types, from the FBZ regulations as its purpose was to define the various allowable types of frontage on private lots within the zone. It has been determined that this information is redundant; all of the variations described in the section are also described separately in other sections of the FBZ regulations.

Sec. 26.03.01 describes the specific building lot types that are allowed in the FBZ, according to Ms. Pilla, and the proposal is to pare down the list for clarity and move this section, as it makes

more sense for it to follow the section on building and lot types. She went on to describe the proposed five remaining building lot types in detail. Figure 26.4 is added to Sec. 26.03.02 to represent the intent and requirements of the outdoor activity zones, according to Ms. Pilla. Revisions are proposed to Table 26.03.03, which outlines the dimensional standards for each of the allowed building lot types, and reflects the removal of the lot types and the elimination of the separate subdistricts.

Ms. Pilla reported that frontage occupation, which represents the percentage of the width of a building's primary façade that is required to occupy the façade's principle plane up to the street, is simplified to show only a minimum requirement, which allows more flexibility in design than the previously-prescribed minimums and maximums.

Additionally, the Table of Allowable Uses is proposed to be simplified by the elimination of the subdistricts, resulting in only two columns necessary in the table: the overall district and the frontage zones. Ms. Pilla explained the usage changes in the table.

The Planning Department proposes a language revision regarding frontage occupation for the purposes of clarifying the intent, which Ms. Pilla detailed. Ms. Pilla explained the proposed revisions to the building transparency requirements, noting that transparency is the percentage of a building's façade that is covered by windows and doors. She noted and described revisions to the size limitations on rooftop equipment.

Ms. Pilla reported that the minimum ground story height for commercial and mixed use buildings will be reduced from 12-18 ft. to 10 ft. and that the minimum ground story height for residential and live/work buildings be reduced from 10-14 ft. to 8 ft., which allows for more flexibility in design and efficient use of space. The language prescribing that an upper story taller than 12 ft. count as two stories is also proposed to be removed. She noted that some requirements related to balconies will be revised.

The section on Sustainable Design and Development Standards is proposed to be relocated to be more closely related to the landscaping and other more detailed sections, which reference this section, Ms. Pilla explained. There will be a link to the Town of Manchester Sustainable Design and Low Impact Development Guidelines, which is intended to be a reference guide for the Town. These guidelines outline low impact design methods in greater detail and can, in the future, be referenced in other sections of the zoning regulations as well.

Ms. Pilla reported that proposed revisions to Sec. 26.06.02, which defines allowable types of open space in the Form Based zone, include changing the way open space types are described. It is proposed that open spaces be referred to as outdoor amenity space types, which can fall into three different categories. The diagrams that describe the various types of open space are updated to better reflect the intent and clearly communicate the characteristics of each type. A number of revisions are proposed to Sec. 26.07, which addresses parking in the FBZ. The proposed revisions replace Table 26.07, Parking Standards in the FBZ.

Additionally, language is added to clarify that outdoor café seating is an accessory use and is not required to have additional parking, according to Ms. Pilla. Sec. 26.07.04, Parking Reduction

Methods, is proposed to be revised to Parking Adjustment Methods and additional language is added clarifying the intent of the section. Several possible methods of adjusting the number of required parking spaces are outlined in this section.

Ms. Pilla stated that staff proposes adding language to allow for up to two levels to be below grade for parking structures. Proposed clarifications to the section on parking lot landscaping include expanding the shade trees subsection to cover all interior space within a parking lot; adding language about landscaped islands in addition to the existing tree requirement; and revising subsection (b), Buffering, to clarify that buffering is intended to screen parking from adjacent sidewalks along the perimeter, not on the interior.

Revised language in Sec. 26.09.05 (e), which addresses the addition of new buildings to a lot with existing buildings, clarifies that the new buildings should be located in the street setback area until the frontage occupancy percentage requirement has been met.

There are some staff comments that are still pending, which are expected to be relatively minor and will be incorporated into the final draft of the document as well.

Mr. Anderson reported that, after the presentation was completed on Friday, the attorney for Manchester Parkade I, the developer of the Parkade property, made Staff aware of a potential legal issue with Art. II, Sec. 26.09.04 (a), (b), and (c). This is a legal decision that came out after the adoption of the Form Based zone here. The name of the case is McKenzie vs. Town of Monroe. The Town is reviewing the matter currently and the Town Attorney agrees that there are some issues that need to be worked out. Generally, the Alternative Compliance Section allows the Commission to approve certain things that are not defined in the regulations (i.e., different building types or different setbacks), in order to be as flexible as possible. If the developer has an idea that will abide by the intent of the zoning district, then the Commission can approve those things, similar to a special exception. The Town needs to work out exactly what parts of that would survive a legal challenge and what parts would not. He noted that it will not endanger the entire project or the entire district, but those things do need to be worked through. The things he knows of that will be in question are dimensional requirements and uses. Staff will work with the Town Attorney and the developer's attorneys to ensure that Art. II, Sec. 26.09.04 (a), (b), and (c) abide by that case law and, in the event of a legal challenge to any development on Broad Street, the Town is in good shape.

Mr. Anderson recommended that, after discussion by the Commission and public comments, the Commission leave the public hearing open for another couple of weeks to work the issue out.

Mr. Stoppelman questioned Sec. 26.05.03 (m), stating that the minimum ground story height for residential live/work buildings will be reduced from 10-14 ft. to 8 ft. He speculated on whether 8 ft. makes sense.

Ms. Pilla explained that, in internal discussions, it was decided that 8 ft. makes sense, particularly for a residential situation. An 8 ft. ceiling is still a comfortable height and an efficient use of space, as a minimum.

Mr. Anderson interjected that they will have to meet building code requirements. Most buildings are not built with 8 ft. ceilings, but some are, particularly in upper floors. This is an attempt to be more flexible, depending on what the developer has in mind. He reported that the Redevelopment Agency was presented with the revisions at their last Agency meeting and they have voted to support the changes.

Mr. Harry Freeman, Principal of Manchester Parkade I, LLC, introduced himself. Mr. Freeman stated that they have been selected to develop the former Manchester Parkade site into something that speaks to what the Commission has envisioned. He explained that they have spent about a year studying this site and coming up with different alternatives. Mr. Freeman said they have engaged some architects and land planners from outside of the area to get some creative thoughts and best cases throughout the country. He conveyed that Staff has been wonderful to work with.

Mr. Freeman described some changes suggested to be brought before the Commission. It is the intent of the regulation to try to restore Broad Street, where there will be a mixed use of residential, retail, and office space, where people live, work, walk and play in one area. He stated that they will come forward, after the regulations are passed, with their plan. There will be a number of multi-residence buildings. The current configuration of the regulations is in conflict with the intent of the proposed regulations, several of which he proceeded to explain in detail. Unfortunately, the current regulations state that there is a Ground Floor Limitation (GFL) for the frontage zone, which is defined as within 40 ft. of any primary or secondary road to be constructed. In all likelihood, according to Mr. Freeman, they will propose a business district street as the main road through the project, and the current GFL limitation would preclude first floor residential. They would like to have that modified to remove the GFL limitation in multi-residential buildings.

Another concern, according to Mr. Freeman, is about bringing school children into the mixed use development, which is not their intent; it will be designed more for empty nesters or young professionals. To that end, he related that they are thinking of only one- or two-bedroom units, and would like the regulation stating 50% changed to 70%. He noted that the regulations currently state a 36 ft. height limitation where the multi-residential buildings would be. Due to the fact that the residential units must be 2.5 ft. above grade to begin with, 36 ft. limits the ability to construct high-quality buildings. There is also a current limitation of 40 ft. and with the intent to have pitched roofs on the street side of the buildings, they are requesting 44 ft. Additionally, there is a current requirement that there is to be articulation in the building every 50 ft. Mr. Freeman stated that the articulation would become a problem with street frontage for a retail building; 50 ft. limits the retailers' ability to use those spaces. They are requesting the Commission allow a single wall for retail or office use up to 100 ft.

Mr. Mike Licamele wished to extend his thanks to Staff because they have worked very hard with Staff and they are looking forward to wrapping up the last few items. In his opinion, the revisions should dovetail very nicely with their plans.

Mr. Prause questioned whether the changes sought by Mr. Freeman are things that have been considered in the past.

Mr. Anderson reported that the idea behind the ground floor limitation is to create an interesting place for people to walk. Often that is commercial or retail space on the first floor and residences above. He surmised that first floor residential could be added as a special exception use in the frontage zone. Conversely, the Commission could determine they are not very concerned and this can be allowed by right. The concern is that there should not be residential on the first floor, stated Mr. Anderson, because that would be a residential district, which is not the intent of the FBZ.

Regarding the mix of unit types, according to Mr. Anderson, 50% was not a hard and fast number and the 70% is an area for the Commission to decide upon. The intent of the developer, he assumed, was for diversity of housing and the idea is to have various types of housing.

Mr. Anderson stated that, in looking at the façade articulation section in the regulation, there is a piece stating, “Uninterrupted façades shall not exceed 50% of the building wall and in no case shall an uninterrupted wall expanse exceed 100 ft. in length.” If the idea is to make that more flexible, he suggested rather than requiring the articulations be 12” or more, the Commission could require different types of facade treatments. Regarding building height, there is not a particular issue with that proposal, Mr. Anderson reported. As Mr. Freeman said, other regulations allow 40 ft. at 3 stories.

Mr. Prause reported that the advice from the Director of Planning, Mr. Anderson, is that the Commission hold the public hearing open to get more information on Connecticut case law to ensure Manchester is flexible and complying with the alternative compliance section of the Form Based zone.

Ms. Potocki questioned Mr. Freeman’s comment about 40 ft. from the road. She asked if it would be from the gutter of the road or from the center line of the road, to which Mr. Freeman responded it would be 40 ft. from the edge of the right-of-way.

Regarding the façade length articulation, Mr. Stebe stated that, if he was hearing Mr. Freeman correctly, it was a question of having to change things up to add 50 ft. He agreed with Mr. Anderson that the façade can be uninterrupted up to 100 ft. However, the question will be, if there is a 75 ft. building, that would require some level of a break based on the top of the paragraph, but further on it states that the break can be an architectural tweak or an external cornice so there is not 75 ft. of the same façade. Additionally, he did not think that signage would not cover the 50 linear feet across, so a break would not get in the way of the signage. Referring to parking spaces, Mr. Stebe sought confirmation that they will be edited for the second meeting, which Ms. Pilla confirmed.

Mr. Stoppelman questioned whether the Fire Department has any issue with the building height going to 50 ft. instead of 40. Mr. Anderson replied that the Fire Marshal has been very involved in the preliminary plans that have come out and has been working with the developers, as has the rest of the staff. The Fire Department does not have any issue with the building height.

Ms. Potocki questioned why a special exception would be needed for pervious pavement. Mr. Anderson responded that it is not typical currently and it is something that Engineering feels

would work in certain cases but not in others. Without the special exception, an individual could propose making pervious surface into a parking lot that is not appropriate. Ms. Pilla noted that some pervious surfaces are not ADA compliant or may be more difficult for emergency access. Ms. Potocki stated that she would like that section expanded, speaking to why a special exception would be needed.

Ms. Potocki also asked how projections from the buildings would be dealt with, such as cooling units and transformers at ground level. Ms. Pilla noted that transformers are usually on the ground for these types of buildings. There is a section in the Form Based regulations about certain projections, but it only covers awnings and signs, not cooling units specifically. She agreed that is something Staff could look into.

Ms. Potocki questioned Mr. Freeman about whether that issue should be clarified in terms of his design. Mr. Freeman reported that he has had this issue with CL&P in the past where they decide where to put the transformer and bollards around it. He stated that they are doing everything to avoid that type of occurrence. There has been a lot of attention given to screening of any type of utilities and dumpsters. In his opinion, it is difficult to put more definition in the regulations, though it is something that clearly should be evaluated when doing the site plan review. Mr. Freeman reiterated that they are looking to make this a very upscale, high-quality area and that is frequently violated by the placement of utilities.

Ms. Pilla explained that there is a section in Landscaping requiring screening around certain utilities. She confirmed that they will revisit that issue in the next couple of weeks, with which Mr. Anderson concurred.

MOTION: Mr. Kennedy moved to continue the public hearing until June 15th. Mr. Stebe seconded the motion and all members voted in favor.

I certify these minutes were adopted on the following date:

June 15, 2020
_____ Date

_____ Eric Prause, Chairman

NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.