

SHELTON PLANNING AND ZONING COMMISSION **June 1, 2011**

The Shelton Planning and Zoning Commission held a special meeting on June 1, 2011 at 7:00 p.m., Shelton City Hall, Room, Auditorium, 54 Hill Street, Shelton, CT. The Chairman reserved the right to take items out of sequence.

Commissioners Present: Chairperson Ruth Parkins
Commissioner Joan Flannery
Commissioner Virginia Harger
Commissioner Patrick Lopera
(alternate for Comm. Anthony Pogoda)
Commissioner Thomas McGorty
Commissioner Joe Sedlock

Staff Present: Richard Schultz, Administrator
Anthony Panico, Consultant
Patricia Garguilo, Court Stenographer
Karin Tuke, Recording Secretary

Tapes (2) and correspondence and attachments on file in the City/Town Clerk's Office and the Planning and Zoning Office and on the City of Shelton Website www.cityofshelton.org

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chairperson Parkins called the meeting to order at 7:00 with the Pledge of Allegiance and a roll call. She reviewed the procedures of the public hearing for all those in attendance.

PUBLIC HEARING

APPLICATION #11-11, AVALON BAY COMMUNITIES, INC. FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS FOR PDD#60 (SHELTON RIVERFRONT DEVELOPMENT) AND MODIFICATION OF FINAL SITE DEVELOPMENT PLANS (RADCLIFFE PARK: SITE B), 185 CANAL STREET (MAP 129, LOT 19).

P&Z Secretary Virginia Harger read the Call of the Hearing and three pieces of correspondence.

***See attached letter from City Engineer, Robert Kulacz to Richard Schultz, P&Z Administrator dated May 26, 2011.**

***See attached letter from Fire Marshal, James Tortora to Richard Schultz, P&Z Administrator dated May 26, 2011.**

***See attached letter to Richard Schultz, P&Z Administrator from David Elder, Valley Council of Governments, Senior Regional Planner dated May 26, 2011.**

Grant Jaber, Development Director for Avalon Bay Communities, Radcliffe Park, 185 Canal Street East, Shelton, CT. Mr. Jaber submitted copies of the notices of mailing. He respectfully requested a modification to the Statement of Uses & Standards for PDD#60 for the Shelton Riverfront Development. More specifically, he indicated that he was requesting a reduction in the parking requirements as stated in PDD #60 from two parking spaces per apartment unit to 1.5 spaces per unit. In addition, he is requesting a modification to the approved Final Development Plan for Site B, Radcliffe Park, 185 Canal Street.

Mr. Jaber stated that this modification includes removing one level of the structured parking garage which is equal to 70 parking spaces. It should be noted that the previous resolution for Site B permitted a parking ratio of 1.8 parking spaces per unit provided that Avalon would make provisions for additional parking, if deemed necessary, at a later date. Mr. Jaber indicated that tonight they are requesting further modification to the regulations.

Mr. Jaber showed drawings of the approved development plans done back in 2008. As shown, the parking garage is in the center of the development. It is a 250 unit development with approximately 55% one-bedroom apartments and 45% two-bedroom apartments which equals 137 one-bedroom apartments and 113 two-bedroom apartments. The majority of units in the complex are one bedroom so, of course, that would reduce the parking which he will address later.

Mr. Jaber stated that with this request the site plan doesn't change much. The footprint of the building stays the same and the footprint of the parking garage stays the same, but they are reducing the height of the garage in the center. The elevations would stay the same.

Mr. Jaber showed the approved plan with the six-level parking garage. He pointed out the six levels located at the center of the building. He showed a drawing of the proposed parking garage with the elimination of one level of the parking garage reducing it to a five-level parking garage. They would be eliminating a typical level, any level in the middle of the parking garage.

Chair Parkins asked if the clouded area in the drawing is the level that is being eliminated.

Mr. Jaber responded that it shows where the change was. The top level stays the same. It is kind of a half level on the top. One of the typical levels would be removed and it would equal 70 parking spaces.

Comm. Harger asked if the height of each level would change.

Mr. Jaber responded no, it would not. The ceiling height on each level would stay the same.

Mr. Jaber indicated that as they can see from the drawings, the parking structure is internal to the structure. It is meant for Avalon Bay residents only. It will be gated and secure. There will be direct access from the parking garage into the apartment building. There is not much opportunity here for public parking access or transient parking. It is specifically designed and specifically built for Avalon Bay residents or anyone chosen to be given a pass to enter into the garage. They will need a proper residency card to enter the garage.

Mr. Jaber stated that he wanted to begin his presentation with a parking study that they performed in 2008. It was conducted by their engineering firm, Milone & MacBroom at six similar communities in Connecticut that have a similar make-up of what they are proposing for Radcliffe Park. The six Connecticut communities include Avalon Milford, Avalon Walk in Hamden, Avalon in Orange, Avalon Valley in Danbury, Avalon New Canaan and Avalon Stamford Harbor in Stamford. As part of their petition, Avalon included the results from the parking study that they conducted in Connecticut. For the record, he submitted copies of the entire study for each Commissioner to review.

Mr. Jaber stated that to summarize the survey, actual parking counts were taken on the weekdays and the weekends from 7 a.m. to 10 p.m. at the six communities that are similar in demographics and style to the Radcliffe Park

community. The time frame that they took the counts were taken all day and were dictated by the Institute of Traffic Transportation Engineers parking generation book (ITE) that is in the appendix of the provided traffic study. This group (ITE) indicates that the peak hours for the residential parking demand occur between 9 p.m. and 7 a.m. so they feel that they captured the peak parking occupancy with their counts.

Mr. Jaber indicated that the consolidated table that he is showing is a little bit small to see but (inaudible). The results of the study – there are two important tables in the study. Table #3 on Page 4 and Table #4 on Page 5 of the traffic study.

Mr. Jaber stated the Table #4 on Page 5 deals with the peak parking demand per unit which is what they are typically used to measuring parking demand by. As they can see, all of the communities except for Avalon New Canaan fall well below the 1.5 spaces per unit. He thinks that due to the apartment mix at Radcliffe Park; the majority of apartments are one-bedroom with 45% being two-bedroom, this is very similar to Avalon Milford, Avalon Orange and Avalon on Stamford Harbor. If they look at Table #4 and the peak parking demand for those three communities, they'll see that they all fall well below what they are proposing as the 1.5 spaces per unit.

Mr. Jaber explained that Avalon Milford's peak demand is 1.26 spaces per unit; Avalon Orange is 1.5 spaces per unit and Avalon Stamford Harbor is 1.14 spaces per unit. The reason why those are relatively low is because of the number of one-bedroom units in the community versus the total number of units. It drives down the parking demand quite a bit when they have more one-bedroom apartments, which they will at Radcliffe Park.

He referenced Table #3 on Page 4 which deals with the peak parking demand per bedroom – not per unit, but per bedroom. Again, this community is very similar to Avalon Milford, Avalon Orange and Avalon Stamford Harbor in that the occupied spaces per bedroom during peak hours have a range falling between .77 peak spaces per bedroom and .82 peak spaces per bedroom. It is a pretty tight range there, and that is to be expected. There is one outlying which is Avalon Milford which experienced one peak demand space per bedroom. He thinks that this is pretty powerful because if they look at what is being proposed for Radcliffe Park, they are proposing 1.03 parking spaces per bedroom for Radcliffe Park. This means that there is a parking space for every bedroom in the community. He thinks that parking supply and demand standpoint is pretty conservative. He asked whether every resident in a one-bedroom apartment would only have one car. -“No.” He asked whether every resident in a two-bedroom apartment would have two cars. - “No.” He concluded that it is probably going to even out somewhere in the middle and that is why they have that type of range between .77 and .82 spaces per bedroom.

Mr. Jaber indicated that the end result of the study is that even with 1.5 spaces per unit or slightly over one space per bedroom, they think they are taking a very conservative approach with parking. They believe that their real demand is going to be somewhere in between 1.3 and 1.4 parking spaces per unit. Obviously, they don't want to build to that because if they are wrong, they won't have a marketable community or apartments that are saleable. They do build in a thought for themselves and they believe that 1.5 still supplies that buffer.

Mr. Jaber stated that he wanted to discuss data from the Institute of Transportation Engineers (ITE). This is in the appendix of the parking study he distributed to the Commissioners. The ITE parking generation guidebook is a guidebook that municipalities, hospitals, universities, every type of land use, most developers, construction planners – use as a design guideline for planning

parking and trip generation. He indicated that he had the 4th Edition. At the time that this study was prepared, it was the 3rd Edition. Over 60 sites throughout the United States were studied including multi-family communities in urban and suburban locations and the average parking demand for all these studies were 1.23 or less parking spaces per unit. As part of the record, he submitted the 4th Edition results from the ITE parking generation guidebook. He distributed copies to all Commissioners.

Mr. Jaber stated that lastly he would like to discuss Shelton's own Parking Regulations. The 2.0 parking ratio that is indicated in PDD #60 exceeds Shelton's own parking regulations for multi-family dwelling units of two units or more. The regulations in Section 42.5.2 state that 1.5 spaces are needed for multi-family development units and that is the same ratio that they are proposing tonight. It is consistent with the City of Shelton's regulations.

Mr. Jaber addressed the letters that were read in response to their application. He indicated that one comment in the City Engineer's letter had to do with Avalon's commitment to developing the community. He indicated that yesterday, the development team located here in Shelton presented Radcliffe Park to their management board. They received approval to purchase the land and begin construction on Radcliffe Park starting August of this year. They received funding as well. Mr. Jaber indicated that was a big step for the Connecticut team for many years of work. He told the Commission that the presentation to their Board assumed a parking ratio of 1.5 spaces per unit and it did not include the sixth level of the parking structure. If the sixth level of the parking structure is required by this Commission, they would have to go back to their Board to request additional funding and represent the economics to them.

Mr. Jaber stated that another comment from one of the letters read was with respect to the Birmingham's parking shortage. It is his understanding that the Birmingham is completely leased, sold and occupied. It is also his understanding that it is parked one space per unit. He stated that he would expect there to be parking issues there. Regardless of what happens tonight, they can't solve the Birmingham's issues. They can only tell them that they will not be using Canal Street for parking. Avalon won't let its residents use Canal Street for parking and Avalon residents won't accept Canal Street as a parking solution. Their residents expect secured, covered parking in a community of this type. Their competitors provide it in these types of mid-rise communities. They are elevator service communities and they would have to provide it downtown to make this community marketable.

Mr. Jaber indicated that Avalon is primarily a landlord as well as a developer. They don't develop property, pass it on to an operator or sell it to homeowners. They hold on to their properties for many, many years and their number one priority is their residents. They would not build a community, and they would not invest over \$50 million dollars in Shelton, in a community that is under-parked. It would be not be marketable. It won't be saleable and they won't get residents. The rents would be hurt, the community would be hurt and ultimately the profit to Avalon would be hurt and that is not their business.

Mr. Jaber addressed a comment in the correspondence about snow removal on Canal Street which is narrow. He stated that it is his understanding that this section of the road is half the width of a standard road and public improvements to Canal Street will solve this issue. In addition, this past winter shouldn't be used as a guideline for snow removal; a lot of streets in a lot of cities had these problems.

Mr. Jaber indicated that the majority of the comments had to do with a contingency plan if they were short on parking. He thinks those are very valid

comments that he would like to spend time addressing those issues. He stated that he had three answers regarding a contingency plan.

He indicated that they developed this plan prior to the comments from these letters. If they have a parking shortage, they have the ability to develop 22 additional parking spaces on site, off-street parking which would bring their parking ratio to 1.6 parking spaces per unit. As part of the record, he distributed copies of this parking plan and showed a site map depicting the location of the parking spaces. He identified 17 spaces located at the north end of the building and 5 spaces located in the secondary courtyard. He reiterated that it would bring their ratio up to 1.6 spaces per unit. It is an easy fix which they would do immediately. Again, they wouldn't do it at the nudging of the neighbors or the nudging of the Commission, but at the nudging of their residents because that is the first person who would be knocking on their door telling them there was an issue. They would identify it immediately and develop those spaces.

Mr. Jaber continued that if that did not solve the problem, as discussed in 2008, the neighboring site "C" to the north is planned for 30,000 square feet of commercial space. Commercial parking demand is primarily Monday through Friday, 8 a.m. to 6 p.m. during the business hours. If there were still a parking shortage, they would approach their neighbors to develop a shared parking agreement. They already have approached the owner of that property and something could most certainly be worked out. From a shared use perspective, the commercial parking works very well with residential parking. Residential peak parking demand is in the evening and commercial peak parking demand is during the daytime hours. There are approximately 40 spaces up for grabs on Site "C" that serve the commercial use and that is not counting the spaces needed for the residents that are planned for Site "C."

Mr. Jaber indicated that counting the original 22 spaces that they would develop on site plus the 40 that they can get from the neighbors; this would bring the ratio to 1.75 spaces per unit.

Lastly, they could consider an on-site staff valet program that they would offer their residents if there were a serious parking issue. The on-site staff valet program is used in their urban developments in Boston and NYC. The resident would pull up, drop off their car with the staff valet and the staff valet would find a space on-site or off-site through a shared use program to park their cars.

Mr. Jaber closed by saying that Avalon spends a lot of money doing research on their communities throughout the nation. They do focus groups, study the performance of their communities, spend time with apartment floor plan departments, analyze the types of amenities and finishes that they provide in their communities. They study the demographics of each of their regions down to who they think is going to live there and what those people would really want. As part of these studies, they do parking. They have been studying parking for the past 5 years because structured parking is becoming more popular. As land becomes scarce, they need to begin building vertically. Structured parking can cost anywhere from \$15,000 to \$20,000 per space. This makes them take a really close look at what they are building and how much of it they are building. Mr. Jaber stated that they wouldn't risk such a large investment in this community on a few parking spaces. They simply would not waste the time or the money. The bottom line is that they know what is best for their communities and they believe that a parking ratio of 1.5 spaces per unit is appropriate. He thanked the Commission.

John Guedes, Primrose Companies, addressed the Commission. Mr. Guedes stated that he wanted to bring a couple of points to the attention of the Commission since he was the author of the master plan of development for this

whole program. He reminded the Commission that the first project was the Birmingham. The Birmingham was conceived without the conceptual plan of development. When he first approached the City with the thought of converting the Birmingham building, the first plan of development was brought to this Commission.

Mr. Guedes indicated that he wanted to remind the Commission how the parking program was approved for the Birmingham. At the time, the property that they were able to be acquired was limited. It was the Birmingham building itself and a lot across the street from it. It was important for the City for a program to be implemented. In meetings that they held with the Administration, a parking program was developed. They knew that they didn't have extra land and they attempted to provide a program to fill the canals. This was denied by the DEP and others. In addition, there were two locations that were committed by the City to be provided for the Birmingham residents. One location was 30 or 35 parking spaces to be created by the City on the other side of the tracks and the other was an existing municipal parking lot that held another 30 to 35 parking spaces.

Mr. Guedes stated that if they look at the original approval for the PDD for the Birmingham, it states that those additional parking facilities were going to be made available. The municipal lot is still available to the residents of the Birmingham. In regard to the additional parking spaces that were to be created by the City, the City has attempted to work the situation out with the Housatonic Railroad. As the Commission may know, the Housatonic Railroad has been difficult to deal with, but the attempt by the City has been made to create those additional parking spaces across the tracks along with a pedestrian crosswalk. He just wanted to add this information for reference. He thanked the Commission.

Chair Parkins asked Mr. Jaber to share how Avalon's gated community handles guests that come to stay overnight or just to visit.

Mr. Jaber responded that there is a camera. The visitor would drive up to the gate which is located in the middle of the parking garage off of Canal Street. There would be an intercom and a camera system at the driver's window. The visitor would press or dial the number of the apartment that they would like to visit and either through the TV or voice recognition, the apartment resident would be able to open the gate for their guests. Guests would be directed to park on the upper level or the lower terrace level. There is a half level that kind of goes down as they enter so that they can provide convenient access for the residents on their particular floor. There is over one parking space per apartment on each floor of the community. Additional parking, visitor parking, staff parking would be on the upper floors and lower floors.

Chair Parkins asked if it would be clearly marked Visitor parking.

Mr. Jaber responded yes, it would be.

Chair Parkins asked how that would be monitored. For example, what would happen if a visitor came in and couldn't find a Visitor parking spot and decided to park in Unit #201's parking spot. She asked how that would be dealt with.

Mr. Jaber responded that they have on-site maintenance staff that are there managing the community on a daily basis. They are still working on this but typically with this, the residents would have stickers on their cars which would allow them to park in a zone, in a particular space. It depends upon how their management team wants to handle it. He envisions stickers that show a 2 or a 3 allowing a resident to park anywhere on that particular floor. Without a sticker

or parking on the wrong floor a resident would be notified immediately. A visitor would be towed.

Chair Parkins asked if residents would be apprised of that in their lease agreements.

Mr. Jaber responded yes, absolutely.

Chair Parkins asked if each resident would be guaranteed one spot.

Mr. Jaber responded that with their rent, each resident is guaranteed one parking spot. Each additional parking space is sold – rented.

Chair Parkins asked if a two-bedroom apartment would be entitled to one spot.

Mr. Jaber responded yes.

Chair Parkins asked if that resident wanted a second spot, they would have to rent it.

Mr. Jaber responded yes, that's correct. As a side note, he forgot to mention that up and down the east coast they have done parking studies in Boston, Long Island, Maryland, Connecticut and New Jersey. The average parking demand for the east coast on suburban and urban development is 1.28 spaces per unit. So, they have a very good handle on what their residents need and what their residents use. They think that, conservatively, one bedroom units use 1.2 spaces per unit and two-bedroom units use 1.6 spaces unit which comes out to a parking demand of 1.35 for this development. They have it pretty well nailed down.

Chair Parkins asked how they handle security inside the garage and how would it be monitored. She heard him mention that there would be staff present during the day.

Mr. Jaber responded that there would not be staff for security. They are providing the security at the entrance with a camera at the entrance taping people entering and exiting the garage. Sometimes they will put security cameras at the entrance to the apartment building for reasons such as damage or vandalism. But inside the garage there probably would not be randomly placed security cameras, just at the entrance/exit.

Chair Parkins asked about the access to the units from the garage and if all four floors were accessible to the garage – of the hallway on each level.

Mr. Jaber responded that on each level there are three elevators and three elevator vestibules. The elevators are located on both right corners of the garage and the lower left hand corner of the garage. The elevators are actually located inside the garage and the vestibule passes through the garage and into the apartment complex. It would be similar to what they have at a mall.

Chair Parkins commented that if they were carrying groceries or something, then they would have an elevator in the garage for access.

Mr. Jaber responded yes, unless they parked on the level where they live and walked through the vestibule into their corridor.

Comm. Flannery asked what year the 4th Edition of the parking generation/trip manual was printed.

Mr. Jaber responded 2010.

Comm. Flannery asked about the book that he handed out and noted that it was dated 2008.

Mr. Jaber responded yes, that's correct.

Comm. Flannery indicated that her concern, with the present economy being so bad, is that there would be more people in the one-bedroom apartments. There might be two people in the one-bedrooms with two cars just because the economy is so bad. More people are sharing apartments. She commented that she thought the data provided was outdated and she could not rely upon it. She asked if he had any information from 2011.

Mr. Jaber responded that they are presently updating their parking counts with Milone and MacBroom. They are going to be doing that over the next three or four weeks. Sadly, he doesn't have it available tonight because it is not ready. He indicated that they see roommate situations more often in the two-bedroom apartments. One-bedroom apartments are small at 700 square feet; they are pretty efficient and they don't see many roommate situations in the one-bedroom apartments. They just built a community in Norwalk with 311 apartments with a similar type of apartment mix with one-bedroom and two-bedrooms. The parking that they provided there was 1.3 to 1.35 spaces per unit and it has been more than adequate.

Comm. Flannery asked if they had a lot of off-site parking on the street. She asked the location of the community in Norwalk.

Mr. Jaber responded that they do not have a lot of off street parking. It is located at the corner of Belden Avenue and Cross Street.

Chair Parkins asked if they had lease restrictions on how many people could live in a one-bedroom apartment.

Mr. Jaber responded that he doesn't believe that they do but he'd like to check on that for her. It wouldn't be more than two. Sometimes the local regulations have restrictions on how many people can occupy a one-bedroom dwelling but he doesn't know if that is the case here.

Mr. Panico indicated that he had an operational question regarding a two-bedroom unit with two cars. Their lease provides for one car and they have not leased a second parking space. He asked if that second car was allowed to access the garage and find space that is available or are they precluded from even entering the garage.

End of Tape 1A, 7:46 p.m.

Mr. Jaber responded that they would be precluded from even entering the garage. They would have one pass – one sticker for their car. They would either have to switch it back and forth or somebody would not have a pass.

Mr. Panico stated that there are 250 units and 250 spaces committed by entitlement so they still have another 125 spaces in the garages. He asked what happens if they are subscribed by renting. What if they don't get 125 unit owners that pay the extra rental fee to have a second space? He asked they could just go to the empty spots.

Mr. Jaber responded that they wouldn't be allowed access to the garage.

Chair Parkins commented that they could if the other person let them in and then they have to park in a visitor spot, correct?

Mr. Jaber responded yes, but eventually they would be towed or (inaudible).

Mr. Panico indicated that he was a little concerned that they were setting up a circumstance where there would be an off-site demand for parking spaces yet vacant spaces would exist in the garage.

Mr. Jaber responded that he did not think so. Data shows that people would rent the extra spot. They would market the community properly. If it meant losing a lease, they may concede the extra spot to the roommate and actually give it to them but that would be a management decision made at the time of the lease. They could put into their lease that residents are not allowed to park on Canal Street; they could make that lease restriction and enforce that diligently.

Mr. Panico asked if it was his experience that they were able to lease out all the spaces that are available in the garage.

Mr. Jaber responded yes, it is. If they look at Avalon Milford, they have a small number of parking garages on that site. The smaller the number of premium spots that you have, the more in demand they are and the more likely they are to get leased. He indicated that in Stamford, where they are over-parked in most of their communities, this is where all of this started...

Mr. Panico commented that the more that they have available spaces, the more likely they are to charge less rent to get them occupied.

Mr. Jaber responded yes, exactly, they can't sell a single space in downtown Stamford because there is so much parking inside their community versus Milford where they are selling spaces for over \$100 for the garage. It is pure supply and demand.

Chair Parkins indicated that she wanted to share with the Commission that she did actually go out to visit the Milford site at about 7:30 p.m. – 8:00 p.m. on a Sunday evening a couple of weeks ago. She drove around and noticed that a lot of the preferred parking spaces were taken. She complimented Mr. Jaber and stated that in the back of the complex, the facility landscaping is beautifully done. She had an opportunity to speak to one of the residents who was out walking the dog. She asked the resident if there were any parking issues at this facility and he replied that his girlfriend's car got towed the previous evening because it was parked in a non-visitor spot. Chair Parkins identified herself to the resident and asked if he thought there was adequate parking there. The resident told her that there are certain areas that get filled up quickly because of their accessibility to the building but in general, he's seen no issues with parking and he's been living there for nine months. She added that there were plenty of spaces open at the time that she was there. She indicated that she just wanted to share her observations from the Milford site visit on a Sunday evening with the other commissioners.

Comm. Lapera asked if the additional 17 spaces that they show would be gated also.

Mr. Jaber responded no, they would not be gated, unfortunately.

Comm. Flannery commented that people going to the Riverwalk could park there then.

Mr. Jaber asked if she was talking about during the day. Yes, they could.

Mr. Guedes added that they would be shared parking spaces.

Mr. Jaber commented, yes when it is worked out.

Chair Parkins asked if he was talking about the commercial space on Site "C" or the ones along the side there – the extra 22.

Mr. Jaber responded that the 22 spaces would be on their site. They would require an access easement from Site "C"- well, they have it already.

Mr. Guedes added that as a note, as part of that strip, there is an easement there that they provided to not only Avalon, but also to the City, for the purpose of accessing the Riverwalk in case of emergency. That is already in place. The intent was to pave most of that and provide that access. It is also part of the master plan for the driveway access into the parking lot for the development of Site "C."

Mr. Panico stated that the driveway is going to be there regardless of whether it is going to serve another 17 spaces or not. So, it should be a relatively simple matter of putting the 17 spaces.

Comm. Sedlock asked how many on-site people would be working at this place.

Mr. Jaber responded that he thinks that there are four maintenance staff and two full time leasing staff. So, during a stabilized state after they lease up the community and it is fully occupied, there would be a total of six people on site. This would not count any sharing that they do with their community on Bridgeport Avenue.

Comm. Sedlock asked if those people would park outside in those extra spots.

Mr. Jaber responded that they would have the least desirable parking spaces on the property, whichever those spaces end up being. One maintenance manager actually lives at each of their communities so that they have 24-hour coverage.

Chair Parkins asked if that meant that person would occupy one of the apartments and have one of the designated parking spaces.

Mr. Jaber responded yes, that's correct. Mr. Jaber commented that he did a site visit to the Birmingham last Wednesday night at midnight to do some parking counts and take a look at Canal Street. There were 99 cars parked in the garage at the Birmingham and 22 empty parking spaces at the Birmingham. There were 15 cars parked on and around Canal Street and the Bridge Street ramp. He believes that there were six cars parked on the Bridge Street ramp and 9 cars parked on Canal Street to the south of the Birmingham. There was one car parked in the front of their site on Canal Street. He commented that he doesn't know all the issues surrounding the Birmingham, but he will tell them that at midnight on a Wednesday, when most residents would be home, there were empty parking spaces.

Chair Parkins asked if there were any other questions from the Commissioners.

Comm. Flannery asked if it would be possible to raise the rent of the two-bedroom apartments and then give them the second parking spot for free.

Chair Parkins responded – what if they didn't need it? What if it was a single mother with a 14 year old child that only has one car, and they didn't need it? They wouldn't want to raise the rent on them.

Comm. Flannery commented that if people have to pay an extra \$100 a month for extra parking, then they are going to have people parking on Canal Street.

Chair Parkins responded that with Avalon's experience in renting, because that is their business, and when they come up with 1.6 parking spaces, they're saying that it's really a two-bedroom apartment but they might have one adult and a child living there. They come up with 1.6 because somebody else might have a one-bedroom apartment and have two cars.

Comm. Sedlock added that they could also have a divorced father with two teenagers that have cars.

Comm. McGorty stated that he believes that Grant mentioned about having something in the leases stating that residents can't park on Canal Street and that would probably be a good idea.

Chair Parkins agreed that definitely would be a good idea and there's the fact that they are on site monitoring this and controlling this.

Comm. McGorty commented that if he is living there, he is going to get a space right there where it is convenient. He's not going to park ¼ mile away down the street, but he knows that some people might try to do that.

Mr. Jaber responded that for what it is worth, they don't expect many families. Their demographics and their study of the area show that they don't expect many families to be renting. What they are doing by building this community is complementing their Bridgeport Avenue community which is primarily townhomes, larger two and three bedroom townhouse apartments where they are attracting most of their family business.

Comm. Lopera asked if there were any three-bedrooms in this.

Mr. Jaber responded no.

With no further questions or comments from the Commissioners, Chair Parkins opened the public discussion to anyone wishing to speak in favor or against this proposal.

Rebecca Twombly, 145 Canal Street, Unit #9, Shelton, CT addressed the Commission. Ms. Twombly indicated that she was present tonight to say that she was 100% against allowing any future development on Canal Street that does not supply adequate parking for its residents, and that adequate parking would be two spaces per unit. She stated that it doesn't matter if it is a one-bedroom or a two-bedroom apartment. She lives in a situation where they do not have enough parking.

Ms. Twombly indicated that she heard someone mention the word "commitment and no one has been more committed to the Birmingham and the concept that Shelton has had to Canal Street more than herself. After the first article that she read in the newspaper in 2005, she knew that this was the type of community that she wanted to live in and this was where she wanted to live in downtown Shelton. Ms. Twombly stated that she lived there in the 1960's and she knows what Canal Street was and she knows the progress that the City has made. She stated that she has lived in Shelton and is a graduate of Shelton High School.

Ms. Twombly indicated that by the time that the developer had their first public meeting in 2006 to offer units for sale, she had already sold her condo, came to the meeting with her check in hand to sign on the dotted line and give them a 10% deposit. In looking over the paperwork she noticed the section about parking. At that time, they were saying that they were going to have 100 units and 184 parking spots. Ms. Twombly stated that she had lived in a condo in New Haven for 11 years and they had over 2 parking spots per unit and still at times had many problems. At the meeting she asked if they were going to have any assigned parking. They said no. After the meeting, she walked out. She relayed that she told her realtor at that time that she had an issue with the inadequate parking. She did not sign up. After a week, her realtor called to tell her that they would be an assigned parking spot per unit.

Ms. Twombly stated that she wanted to clarify this – yes, they have 103 units. Each unit is deeded one parking spot. She lives in Unit #9 and parks in spot #26 and she added that there better not be any other car in her parking spot at any time of the day or night. When someone drives by at midnight and they see 15 or 20 cars on the side of the road, and they see empty spots at the Birmingham, it is not because they have available spaces not being utilized. It is because those spots belong to somebody residing there or the spot is deeded to any empty unit and cannot be used.

Ms. Twombly indicated that if she is going away, she'll let someone use her spot because they try to utilize what they can the best as possible. However, 103 of the 122 spots are deeded to individuals that own units there and that's why they see empty spaces at different times of the day and night.

Ms. Twombly indicated that after finding out that they would have assigned parking spaces, she told her realtor that she still had an issue because there were only 184 spaces for 103 units. Her experience of living in a condo for 11 years tells her that you need two spaces per unit at least. She doesn't care what any survey says; two spaces are needed per unit. Her realtor told her that once the structure next to the Birmingham is removed, there is going to be extra parking for the Birmingham. There would be parking all along Canal Street down to the River all along the side of the Birmingham. She thought that was great because she wanted a spot right down by the River because that is where the unit that she wants would be. The realtor suggested a covered spot. They went back and forth for quite a while but she eventually did sign on the dotted line.

Ms. Twombly indicated that she moved in to the Birmingham in December 2007. By that time they had added three more units so the Birmingham then had 103 units and 122 parking spaces. There are 5 handicapped spots, 103 deeded to residents and 14 spots for visitors. So, when people see cars on the side of the road, they are the second or third car for the two-bedroom apartments and visitors.

Ms. Twombly said that they know that they have a problem so they did their own survey of the Birmingham. She indicated that the Birmingham has 14 one-bedrooms, 79 two-bedrooms and 10 three-bedroom units. They spoke to 66 unit owners or renters. Out of the 66, they had 109 cars – that is 1.6 cars. Instead of having smart cars, that is 1.7 spaces per car. So in taking the 103 units times 1.7, just to park their residents, they need 175 parking spaces. She isn't quite sure how the handicapped spots are determined – if it goes by the number of units in the building or how many spaces there are – so, say they need 8 for the 175 spaces. Adding the 14 visitor spaces back into the equation, they would need 197 parking spots. They might as well say that they could use 200 spaces need less parking than what the Birmingham has.

Ms. Twombly stated that the Avalon building is going to have 250 units. If they use the 1.7 just to park their residents, they would need 425 spaces. They would also have the requirement for handicapped spaces and visitor parking. She mentioned that she has a friend who lives in the Avalon Norwalk community in a two-bedroom apartment for herself and her teenage son. She remarried and they had four cars among them. She leased a garage for her own car. Her husband and son would go back and forth between a visitor spot and another assigned spot. The fourth car had to be kept off site. That is what really happens in those types of complexes. She stated that it might look good on paper and it might look good driving by – just like it looks good driving by the Birmingham and seeing the empty spots, but that is not the reality.

Ms. Twombly stated that economics should not allow any developer to compromise the original standards set by this City. The individuals that had the dream for their special community along the River – those dreams and those standards should stay in place. If they want to keep the dream going and encourage people to visit what will be their new Riverwalk, and if they want people to live Downtown, they have to give them sufficient parking. Don't make the same mistake twice. Don't make another Birmingham. Don't turn Canal Street into an area that nobody wants to visit. She thanked the Commission.

Justin Kubec, President of the Birmingham Condominium Association, 145 Canal Street, Shelton, CT addressed the Commission. Mr. Kubec stated that he agrees with a lot of the comments that the previous speaker, Ms. Twombly just mentioned. He wanted to add a few things. Earlier, John Guedes spoke and mentioned the approximately 43 spaces across from the train tracks that were mentioned in an earlier May 2005 P&Z meeting. Those additional 43 spaces were promised to them in a timely manner. Being that this is 2011, it is an issue. They have met with Mayor Lauretti about this issue, and he looked over it. He indicated that it hasn't happened yet so they can't actually say that those parking spots would be for them anyway. It would more or less be first come, first serve. That doesn't help them out especially with the problems that they have with space.

Mr. Kubec indicated that with no additional parking on Canal Street, cars may be looking for parking spaces and they may look at using the Birmingham. As they know, parking there is already an issue. They may begin to fill up their guest parking. The Birmingham has no gates and they can't put in gates because they are between State property underneath the bridge and needing access to the garbage dumpster. There is no way for them to manage that unless they hire someone full time to monitor their parking which would be an additional cost to them.

Mr. Kubec added that businesses on Howe Avenue would suffer; people would overflow onto Howe Avenue. Restaurants might not have adequate parking for their patrons. There is no advantage to this reduction in parking except for the Avalon's profit.

Mr. Kubec stated that Ms. Twombly mentioned a study. If they want create a valid study, they should speak with the Birmingham residents and their condo association and find out how many vehicles per one-bedroom there are. He indicated that an additional level might be a good idea and there might be a good time for a shared agreement with the Birmingham due to their lack of parking, if they are looking for extra revenue. He thanked the Commission.

Richard Widomski, 49 Christine Drive, Shelton, CT addressed the Commission. Mr. Widomski stated that he was kind of fascinated at how they might be able to solve this possibility of a shortage on parking. They have the

ability to add 22 more spaces, and they are going to have an agreement – maybe – with the adjoining property owners. This is a plan? This is a plan no-plan. This is a pie-in-the-sky. This is not anything written in stone. It's just a "we could do that," or "maybe we could have an agreement with them," or "maybe we'll get along with that commercial property neighbor or maybe they won't or maybe this or maybe that." He asked why they just don't do it correctly the first time and go with the two parking spaces per unit and be done with it.

Mr. Widomski indicated that there was no reason for them to be here asking for much more than what they have already gotten from the City in terms of taxpayers' dollars, City dollars, State dollars and Federal dollars to construct Canal Street. Now they want parking. The burden of not enough parking will fall on the City of Shelton – no matter how nice they put it and talk about valet parking – the burden will fall on the City of Shelton. People are going to be parking on Canal Street – period. Where is the valet parking going to bus them to? Huntington Center, maybe? Where are they going to take them? There isn't enough parking downtown right now. They are using private parking lots for the restaurants downtown. There is not anything left. They have already committed the City parking to the Birmingham.

Mr. Widomski commented that Mr. Guedes talks about the Birmingham. There is no conceptual plan. It is the same thing here. It is a guessing game with their parking. They talked about the Housatonic Railroad being difficult to work with. As he understands it, there is an encroachment problem that is going to cost the City \$1 million dollars for that parking lot. Is he going to reimburse the City for that? They put up a garage that does not meet the standards of the Birmingham. They don't want a repeat performance at Avalon Bay.

Mr. Widomski commented about the visitor parking, each unit getting one spot and paying extra for additional spots. The visitor parking isn't worked out yet – maybe they can do this, maybe they can do that, maybe management will solve the problem, maybe they won't and maybe they are creating a problem. He added that they should just take the Birmingham problem and double it. Then see what they will have on Canal Street – they won't be able to walk down Canal Street much less drive down there. Turn it down. Do the right thing. Make something that Shelton will be proud of. Don't soak up taxpayer dollars by providing additional parking spaces for a private developer. He thanked the Commission.

Ron Pavlucik, 287 Eagles Landing, Shelton, CT addressed the Commission. Mr. Pavlucik indicated that he was a partial owner of one of the units in the Birmingham and they have experienced a lot of parking problems. They have already been spelled out by the previous speakers. In general, the whole concept of the Canal Street project, the Riverwalk, is fantastic and he is all for it. He is in favor of this project in terms of the aesthetics of it, the value of it, and the tax revenue that it is going to bring into Shelton.

Mr. Pavlucik stated that he is very concerned about the additional parking problems that it might cause. He indicated that he did not understand and asked how they are going to keep people from parking in front of the building. He missed part of the presentation and asked if they said how they were going to restrict people from parking in front of their building on Canal Street.

Chair Parkins responded that they have agreed to put that right into the lease, so residents would be risking loss of their lease if they park in the front.

Mr. Pavlucik asked if there would be space to park without obstructing the flow of traffic.

Chair Parkins responded that there should not be parking on Canal Street. Her understanding is that parking is not going to be allowed on Canal Street.

Mr. Pavlucik asked if that would be where the Birmingham ends and the Radcliffe starts.

Chair Parkins responded that she couldn't tell him that.

Mr. Panico added that it isn't intended to have any parking on Canal Street whether it is front of the Birmingham or this project.

Mr. Pavlucik commented that if the whole project takes fruition, it could take 5-10 years, and he hopes that it does. They can imagine hundreds of people – it will be like going to Captain's Cove or any other area by the water - there is always congestion in those areas. There are going to be hundreds of people of coming here throughout the day from out of the area needing a place to park. If they can't park on Canal Street, they are going to have to find a way to accommodate them. Hopefully, they won't further obstruct the few spaces that are left at the Birmingham, which he thinks is a valid concern. And with the handful of spaces that might be additionally provided at the Radcliffe – he sees total chaos down there even if they open up the other end of Wooster Street. It is just going to be a point of congestion. So many people just walk along the waterway – like they do in Derby. He mentioned that he was in Derby today at the BJ parking lot and there were at least 40 cars in that lot with people just walking along the River Walk there. They will come like that to Shelton too – walk up and down the walkway and use the grassy areas – but parking is going to be a big problem. It will exacerbate what they already have happening at the Birmingham.

Mr. Pavlucik asked the Chair a question to be asked of the developer as to where they get the figure of 2.0 spaces. All of their studies are saying that all they really need is 1.5 or 1.3 spaces and Hamden has 1.2 spaces. He asked how this started out with the figure of 2.0 a couple of years ago and where did that number come from.

Mr. Panico responded that was a judgment made by the Planning and Zoning Commission when they were doing their preliminary reviews of the overall development proposal down in that area.

Mr. Pavlucik asked if it was their people and their predecessors.

Mr. Panico responded yes, that was the goal that the Commission felt was an appropriate one to strive for.

Mr. Pavlucik commented that he would conclude by saying that he thinks that they should hold to that because that is the one that makes the most sense.

Chair Parkins added that their regulations state 1.5 but because it is a PDD, they have the discretion of increasing or decreasing that regulation but 1.5 is what the Shelton City Regulations require for multi-dwellings.

Mr. Guedes, Primrose Companies addressed the Commission. Mr. Guedes asked if he could add something to that. He stated that he wanted to remind the Commission that the intent of the 2:1 ratio was because they were combining the commercial element with the residential. The 2:1 was to accommodate the commercial. It was based upon the shared parking. The intent was that some of the projects were going to have a combination of the commercial/residential and that the commercial was utilized at periods of time

when residents would not need the spaces. So, it was for a combination of items.

Mr. Guedes also added, as a point of clarification, that Grant Jaber was not part of the program when they initiated this entire master plan. Therefore, he is not totally familiar with some of the issues that have been raised. But the issue of the association between Site "B" and Site "C" had been worked out. There were agreements that were put in place both for possible shared parking, if necessary, as well as the easement between the two buildings that would allow for shared access. Those agreements are in place and they are easements that were initiated and approved. He thanked the Commission.

Chris Jones, 24 Mustang Drive, Shelton, CT addressed the Commission.

Mr. Jones stated that he wanted to agree with the previous speakers - Rebecca Twombly, Justin Kubec, and Ron Pavlucik about the parking downtown on Canal Street. He stated that he took a drive down there tonight and asked if anyone had ever taken a drive down there on a Friday night, Saturday night or Sunday morning. He asked if anyone had ever driven a fire truck down there at those times or gotten their rearview mirrors taken off. He asked who was in charge of the parking down there and if the Police Department had a say in any of this.

Chair Parkins responded yes.

Mr. Jones asked if the Chief of Police submitted a letter tonight since he lives in one of those units down there.

Chair Parkins responded no.

Mr. Jones asked if he had any input on this.

Mr. Panico responded that he would certainly have input as to whether or not there ought to be parking on Canal Street and the answer is that there is no legal parking on Canal Street.

Mr. Jones commented that there have been hundreds of complaints in the last six years to the Police Department. They have moved the No Parking signs from here, to there, to everywhere.

Mr. Panico responded that they have no control over that.

Chair Parkins added that she would tell him that they have worked – she has personally met with residents of the Birmingham and with the Police and Traffic Safety to accommodate, to the best of her abilities, to provide additional spots for them. Whether cars are parked there illegally or whether they are blocking fire trucks, it is not the purview of this Commission. That is Traffic Safety.

Mr. Jones agreed that it was Traffic Safety and there is a traffic safety issue down there currently, right now. Just this past weekend, there were cars parked all the way down to the trestle. He asked why, it's been 6 years, why hasn't the City... there was supposed to be 43 spaces designated across the railroad tracks. He asked where those 43 spaces were. Mr. Jones indicated that he sat on the P&Z Commission for two years and he thinks that he even approved this project on the contingency plan but it has been so long now that these spaces haven't been provided. He asked if there was something in the works where these 43 spaces were going to be provided over the next 6 months.

Chair Parkins responded that is an issue that they might want to ask the Railroad.

Mr. Jones stated that he was asking the Planning & Zoning Commission tonight because that would be the City's obligation.

Mr. Panico responded that Planning & Zoning Commission does not have the responsibility to provide that parking, so he thinks that he's asking the wrong body.

Mr. Jones asked if there was a contingency plan with the Railroad to get those 43 spaces.

Mr. Panico responded that he is talking about negotiations that developed between parties that don't include the Planning & Zoning Commission. They have no input in that. They were aware of those proposals and they were taken into consideration when this Commission made decisions, but they didn't have a prominent role in saying that this is what it is going to be; therefore, they don't have a follow-up role.

Mr. Jones indicated OK, but the residents were promised something that still has not come to a realization yet. He commented that the letters from the City Engineer and the Valley Council of Governments Senior Planner both indicate that this would have a negative effect on the area.

Mr. Panico responded that he isn't sure how the Valley Council of Governments has determined that adequate parking is going to be an inter-municipal concern. Are they really going to park over in Derby if there is not enough parking here? He really questions that letter but they did submit it and they will take it into consideration.

Comm. Harger clarified that the statement from the Valley Council of Governments in their letter was that there was a "potential" for negative impact on the area, not that there "is."

Mr. Jones commented OK, so there is a potential for a negative impact on the area.

Mr. Panico added that there is an inter-municipal impact on the area but he is curious as to what inter-municipal impact would result.

Mr. Jones stated that he is just saying that they should correct the current parking situation on Canal Street before they move along because people don't have anywhere to park.

Chair Parkins stated that just as a reminder – this application is not to correct the parking for the Birmingham. It is an application for the Radcliffe and they are...

Mr. Jones indicated that she's correct and he hopes that they get their project because their product is a great product. He has seen many of them. Their project here in Shelton is a great project. He is just saying that they should just correct this problem before they put the cart before the horse, that's all. He thanked the Commission.

Chair Parkins asked twice if there was anyone else in the audience that would like to speak in favor or against this proposal. There was no response. She asked if there were any other questions from the Commissioners.

Comm. Flannery asked when it was established that there are 1.5 spaces in the regular regulations per unit. How old is that regulation?

Chair Parkins responded that it doesn't matter how old it is – it is their regulation.

Comm. Flannery clarified that what she is saying is that times have changed.

Mr. Panico responded yes, but the number has worked. They have had other rental projects in town that have not created a problem at that ratio. It meets all the national standards. The national standards indicate that is an adequate amount of parking. They did a major apartment project which has since been converted to condominiums off the south end of town, off Trap Falls Road.

Chair Parkins indicated that she'd like to close the public hearing and take a brief recess.

On a motion made by Joe Sedlock seconded by Thomas McGorty, it was unanimously voted to close the public hearing for Application #11-11.

Recess taken at 8:25 p.m.

End of Tape 1B 8:25 p.m.

Chair Parkins resumed the meeting at 8:33 p.m. with Old Business.

OLD BUSINESS

APPLICATION #11-11, AVALON BAY COMMUNITIES, INC. FOR MODIFICATION OF STATEMENT OF USES AND STANDARDS FOR PDD#60 (SHELTON RIVERFRONT DEVELOPMENT) AND MODIFICATION OF FINAL SITE DEVELOPMENT PLANS (RADCLIFFE PARK: SITE B), 185 CANAL STREET (MAP 129, LOT 19).

On a motion made by Virginia Harger seconded by Patrick Lapera, it was unanimously voted to discuss Application 11-11.

Comm. Flannery indicated that something was pointed out to her that she thought was interesting. Since the original approval was in 2005, they haven't put a shovel in the ground and they got an extension. So they have to put a shovel in by 2015. If they approve this tonight, it would be extended to 2021. They might not see any development until 2021.

Chair Parkins responded that she believes that they have made a commitment and they are ready to start in August pending approval this evening.

Mr. Panico commented that there are two things at issue here. One is the amendment to the PDD and that doesn't normally give them more time. You're suggesting that the re-approval of the development plans with modifications – he asked Rick Schultz what the time limitations were.

Mr. Schultz responded that it's five years and a second five-year extension. Up to ten total, combined.

Mr. Panico asked if the five year extension was automatic or if it was determined by the Commission.

Mr. Schultz responded that it is determined by the Commission but they would have to give reasons for any denial, and no one usually denies that. But when the Chairman signs off on the drawings, they usually start the five year period from that point, which is normal. He added that this isn't minor; a minor alteration would be a different story.

Mr. Panico commented that yes, it is a new approval. It is an approval of modified plans so it would start the clock again.

Mr. Schultz responded yes, absolutely.

Mr. Panico indicated that it starts a new five year period and if there is good reason, they would be allowed to extend it up to another five years. That isn't automatic. The first five years are guaranteed but after that it would be dependent upon circumstances.

Comm. Flannery stated that if nothing is happening by 2016, they probably would give them the extension just because they want something developed there. But what she is saying is that they are pushing it out from 2015 to 2021 – another seven years.

Mr. Panico responded that would be potentially. He doubts that they really are. The reason that they are here is because they want to proceed with the project, and the reason that they are not proceeding is under the present circumstances that it is not feasible. They are looking at between \$1 million and \$1.5 million for that extra parking deck.

Comm. Flannery commented that he said the entire project was \$40M, so what's another \$1M.

Chair Parkins responded that it could amount to an extra \$500 that they have to charge for rent. These folks are in business. They aren't in business to give the rents away. They are in business to make money.

Mr. Panico added that Avalon is a national company and this isn't the only project that they have done or ever will do. They know what they need to make something work and it is up to the Commission to determine if it fits with their desires or not. Certainly, if they decide that it doesn't fit with their desires, then they might as well plan on seeing that lot sit empty for another five years before someone even starts to think about putting something there. On the other hand, they have an applicant who says that they are ready to go in there in August of this year but they need the modified parking ratio to do it because the economics won't work if they don't. They are trying to keep some semblance of development going downtown, but this is really the first brand new building that will be built in the whole downtown revitalization area. To date, they have had some revitalized buildings but they've had no brand new construction. This is brand new construction. It is this Commission's call if it is important enough to accommodate them or not.

Comm. Sedlock asked about the parking ratio for the original plan because he wasn't on the Board at that time.

Mr. Panico clarified that when they approved PDD #60 that was a very large Planned Development District that stretched all the way from the Birmingham to the Locks. The Commission's feeling was that on an overall basis, they would like to see an average of two spaces per unit. That was their feeling. They didn't have many rentals, but they had condominiums that led them to higher numbers. They had some experience with what was going on at the Birmingham and the Commission felt that was the number that they would be comfortable with.

Comm. Sedlock asked if that was 2 per unit for one-bedrooms and 2 per unit for two-bedrooms.

Mr. Panico responded that it was just an average across the board – two spaces per unit.

Comm. Sedlock asked if it then went to 1.7 spaces.

Mr. Panico responded no, this project was originally approved with the two spaces per unit. It was approved because the ground level of the parking – there was another level of parking at ground level. Then they found out they had flood plane management ordinances and that the bottom level was below the flood level and they weren't allowed to build that level of parking. They had to raise things and in doing so they lost the equivalent of a full level of parking. That is when the first amendment was put through. They ended up with an approval for something like 477 spaces. Now they are going through and they are finding that they are having a dollars and cents problem. In order to make those numbers work, they can't spend that much on that parking structure. And the parking structure is going to generate well in excess of all of their experiences in other projects. They are going to end up with 70 – 100 extra parking spaces that are going to be unused, and those are very expensive parking spaces sitting in the deck. If there were parking spaces sitting out in an open lot, they wouldn't care, because chances are that they would have deferred them until they found out that they really needed them anyhow. But these are committed to – once they decide that they are going to build that garage, and then they are committed to the entire garage. If there is going to be any reduction, it has to be done now, up front.

Comm. Sedlock commented OK, and then they'll be going from 2 per unit to 1.5. So there is no 1.7 in there then.

Mr. Panico stated that there was a 1.8 when the flood plane management problem got resolved.

Chair Parkins indicated that it got reduced to 440. So it was 500 originally as the overall concept of the whole plan, not just this building, but the whole plan. Then they came back in with this particular plan because they had to eliminate the flood plane on the lower level and it got reduced down to 440 spots. They lost 60 spaces and came down to a ratio of 1.8 spaces.

Comm. Sedlock stated that if they approve this, then it's 1.5.

Chair Parkins stated that Avalon came in to develop this property and they are saying that their business model indicates that they don't need 1.8 spaces per unit.

Mr. Panico indicated that if they take a level out of that parking garage, they are taking out roughly 70 spaces. They have the ability to make them plan on putting back 27 of those spaces. So about 1/3 of what they are going to lose could be put back, if they have to, on the ground.

Comm. Sedlock asked what he means by putting it back.

Mr. Panico responded that there is room on the site...

Comm. Sedlock asked if they have to tell them to do that or are they going to do it right up front.

Mr. Panico responded that they aren't planning to put them in up front because they don't think that they are needed, and personally, he doesn't think that they are needed either. But there is the opportunity where these dark areas are on the site plan to put parking along that end of the building and a small court.

Together they comprise about 22 spaces. So instead of 70 being the reduction, it would be 48 (70 spaces less 22 spaces).

Comm. Sedlock asked how many total units were going into this building.

Mr. Panico responded that it was 250 dwelling units of which approx. 60% are one-bedroom units.

Comm. Sedlock asked how many spaces there would be.

Mr. Panico responded 275 without the extra spaces.

Comm. Sedlock asked if it was 1.5 without the extras. He asked how many extra spaces they had the ability to put in.

Mr. Panico responded at least 22. They haven't been designed yet, so he isn't sure if it could be stretched a little more.

Chair Parkins indicated that would bring it up to a 1.6 ratio.

Comm. Flannery asked about the other parking mentioned.

Comm. McGorty responded that they have an agreement that they can utilize that if they need to.

Comm. Flannery asked what kind of agreement.

Mr. Panico responded that they have the necessary agreements to do this.

Comm. McGorty commented that it is not a good business decision to have people that live there traveling somewhere else to park. They want to have something in close proximity and they want to try to accommodate their residents or they will leave.

Comm. Flannery stated that she was trying to come up with these 70 units without that floor. She indicated that they can put 22 here, but could they definitely put 40 over there.

Mr. Panico asked for clarification as to where she was pointing to on the site plan. He explained that Mr. Jaber is saying that there are 40 spaces in this commercial development that are there for the commercial development. That means that when the commercial development is closed in the evening, those spaces are going to be empty.

Comm. Flannery indicated that she understands that they are there already.

Chair Parkins responded no, when Site "C" is developed as commercial/retail, there could be a shared parking agreement. There is no agreement there now but there could be a shared parking agreement with Site "C" that is planned to be retail. So if it is retail and it is closed at night, then the residents could utilize it for parking in the evening.

Comm. McGorty added that it would be if there was a peak demand at the Avalon.

Comm. Flannery asked if anyone had submitted a proposal for something to be built there.

Chair Parkins responded that the entire thing has been approved as is. It just hasn't been built.

Mr. Panico explained that what they are looking at is the overall plan for PDD #60. This Commission has already given plan approval to the next two parcels.

Chair Parkins added that it was prior to the economy tanking. So nothing has been built down there yet.

Mr. Panico indicated that there is an existing building that is going to be preserved and rehabbed for commercial occupancy and then there are residential units that are being constructed.

Comm. Flannery commented that her point was that they could add five more levels of parking but there still won't be enough because people aren't going to want to pay the extra \$100 a month for it.

Comm. McGorty responded that nobody is making anybody go there.

Chair Parkins added that if she lived in a gated community, she would want to park inside. If she had two cars and didn't want to pay, then she wouldn't rent there.

Mr. Panico indicated that if they are parking on the street and the Police Department enforces it and tows them a couple of times then...

Comm. Sedlock commented that the way he sees this is that there are 125 spaces for those people in the one-bedroom and 250 for the people in the two-bedrooms which totals the 375 that they're looking for as a minimum. He would like them to have the potential, if this becomes a problem, to see that those other spaces are developed. He asked if they would have the ability to do that.

Mr. Panico responded that they can certainly put that in the decision that it is the Commission's call and not theirs.

Chair Parkins stated that they are the ones operating and managing this facility. Their renters are going to come to them and say that they don't have enough parking.

Comm. Flannery commented that she was afraid that they are going to go into the Birmingham because you don't need a pass to go into their parking lot.

Mr. Panico responded that he really didn't think that was going to happen.

Chair Parkins added that she appreciates the Birmingham's dilemma down there but they can't expect them to spend \$14,000 a parking space to alleviate the Birmingham. That is unreasonable. They are going to take care of their tenants and they've given the Commission the information that they plan to do that with.

Comm. Sedlock asked who built the Birmingham.

Chair Parkins responded John Guedes.

Comm. Flannery asked if he was also building the Radcliffe.

Chair Parkins responded no, Avalon was not involved with this when it was initially approved with the whole facility.

Mr. Panico stated that part of the other situation with the Birmingham is beyond their control and that is that there was intention on the part of the City to negotiate a crossing with the Railroad and some real estate that the railroad owned so that the City could construct another 35 – 40 parking spaces. They wouldn't be reserved for the Birmingham but they would be there and available to them. They would be public spaces that anyone could park in but certainly it would be an available supply of parking that they could use. Unfortunately, that has not transpired yet. He believes that is, in part, because the negotiations with the Railroad have not been going very well.

Chair Parkins commented that she would also assume that even if they have parking down the road, people prefer to park close to their residence. That is why they are being allowed to park on the street right now and no one is tagging them. It may be creating safety issues but that is for the police to decide and for them to address. The point remains that this is a downtown. This is not a suburban area where there are two to three parking spaces. She added that she lives in a condo complex herself and when she wants to have guests over, she has to ask her neighbors if they could park in their driveways to free up the visitor spaces. Those are just the types of things that people have to work out if they want to have guests over. If they know that they don't have the parking inside the garage, then they have to find a space in a municipal lot.

Mr. Panico stated that the Commission has always been sympathetic with the needs of the Birmingham and the fact that parking that they thought would be available, has not been available. That is why they supported the creation of those curb spaces on the Bridge Street ramp. Those spaces were not there originally, but it was determined that there was an ability to create them without interfering with traffic flow. On an 8-24 Referral report, this Commission supported it and the spaces were put in, and those are fine. However, parking on Canal Street is not fine.

Comm. Flannery asked what the ratio was with the extra 22 parking spaces.

Mr. Panico responded approximately 1.6.

Comm. Flannery asked if there would be any visitor spaces.

Mr. Panico responded that there would be an allocation of visitor spaces. If they have guests, they can pull up to the gated parking garage and buzz the apartment and be let in and proceed to park in designated visitor spaces.

Comm. Flannery stated that they have 250 units and 375 spaces. She asked how many of 375 spaces would be for the visitors.

Mr. Panico responded that he didn't know that number. That would be up to the managers to determine how many are needed.

Chairman Parkins added that they are guaranteeing each tenant one spot which is 250. Then it is up to management as to how many they want to rent out and how many they want to reserve for visitors.

Mr. Panico commented that the fact that there is going to be available spaces that are not assigned because people have not paid for them is going to mean that there is a potentially large supply of visitor parking available.

Chair Parkins stated that they cannot dictate to their management how many spaces they have to use for visitors.

Mr. Panico indicated that it is also conceivable that if it is deemed necessary that these other spaces have to be put in, maybe they would be visitor spaces. He does not know and he is not about to tell them how their operational plan should be.

Comm. Lopera indicated that he has been looking at the parking study that they provided with the number of one-bedroom and two-bedroom units and he's been listening to the numbers that he's heard. He indicated that here they have 136 one-bedroom, 114 two-bedrooms and no three bedrooms. So it's 54% or 55% that are one-bedroom so you'd think they would have less spaces. When he heard the Birmingham residents, they said they had 79 two-bedroom and 10 three-bedrooms so that is 89 units out of 103 are two and three bedrooms. That would indicate to him a much larger demand than this demand. He was just playing with the numbers and if they give everyone with a one-bedroom a parking spot that would be about 135 which would leave 250 for 114 two-bedrooms. If they double that it's 228 out of the 240 that is left. They still have a little bit more, two for one on the two-bedrooms and one for the one-bedrooms.

Comm. Sedlock agreed that is what he gets too – in reality it comes down to one car for the one-bedrooms and two cars for the two-bedrooms. That's how they get 375 – it is that close.

Mr. Panico added that it's the rate of one space per bedroom.

Comm. Lopera indicated that he would have a bigger concern if they said it was 200 two-bedrooms and 100 one-bedrooms because you would assume the two-bedrooms would have a bigger demand. But here, the one-bedrooms are more than the two-bedrooms and there are no three-bedrooms. He is just trying to see if the parking makes sense for this building and the 22 extra spaces gives them a little bit more of a cushion.

Comm. Flannery asked if they could make it mandatory that they have to put those 22 spaces in.

Chair Parkins asked why they would do that when (inaudible)

Comm. Lopera commented that what they do is make it be up to the Commission, if they find a parking problem, then they'll be required to put it in.

Comm. McGorty added that they should wait and see – why disturb the area when don't have to.

Comm. Flannery responded that she didn't want to wait until there was a parking problem. She doesn't want to wait until that happens.

Comm. McGorty stated that they don't want to either. It wouldn't make sense for them business-wise.

Mr. Panico stated that if these numbers mean anything, there should be an adequate amount of parking. Even on their tabulation of parking demand by bedroom, their worst case scenario at the Avalon in Milford, they have one space per bedroom. They are going to have one space per bedroom in this complex. The majority of them are about .75 to .82 spaces per bedroom.

Comm. McGorty added that they have a lot of historical data.

Chair Parkins commented that if it is not needed and they could leave it green – all the more reason to leave it green down there.

Comm. McGorty agreed that would be nicer.

Comm. Flannery disagreed and stated that they should just pave it to make sure that there are enough spaces for everybody.

Mr. Panico asked her if she meant that she would want to do that now, up front, before they even know that there is a problem.

Comm. Flannery responded yes.

Mr. Panico indicated that is exactly contrary to what they do in many commercial developments. If they think that there is an excess amount of parking, the Commission will tell them to take 25% of the spaces and leave them unfinished until a problem develops. If there is a problem, they can finish the spaces. It is the same situation here. They have a master plan for 397 parking spaces. What they are suggesting is that they don't put these in until they know that they are needed.

Comm. Flannery commented that they are assuming that it is going to look pretty.

Comm. McGorty asked her if she had been to any of their properties.

Comm. Flannery stated that they should get a commitment.

Chair Parkins suggested that she go and take a drive to Avalon Milford or Avalon Shelton.

Comm. Flannery restated that they should get a commitment to put in green shrubbery and trees.

Mr. Panico responded that he totally agrees with that and they have to have a commitment. Contrary to the applicant saying that they will put them in if they need them, he thinks that the Commission has the right to say that they need them and they have to put them in.

Chair Parkins commented that it would be if it's needed for their facility, not to accommodate public parking.

Comm. Flannery agreed.

Mr. Panico reiterated that they should not put them in up front until they know that they need them.

Comm. Sedlock commented that he thinks that they are going to need them for at least the five people who are going to be working on the property.

Comm. Flannery agreed.

Comm. Sedlock added that if they are going to fully occupy that building, he thinks that they will need more than five people.

Comm. McGorty commented that they don't get there with the numbers though.

Mr. Panico stated that they run developments of this size – this is not the first time they are running a 250 unit development – so he believes that they know what their own needs are.

Comm. McGorty agreed that they aren't going to hamstring themselves.

Comm. Sedlock stated that he agrees with that.

Mr. Panico added that in terms of the number of people that they need to maintain it, he said that one of them would be a live-in manager which means he's occupying one of the units.

Comm. Flannery stated that they need five more for the Staff so they could do those five in the front.

Comm. Harger mentioned that in the presentation, he mentioned that it was going to be on one of the levels inside at a location which wasn't as accessible for their residents.

Chair Parkins added that the staff people are there during the day when most of the residents are off at work. The maintenance people aren't there at night except for the one that lives there, but those other five people aren't there at night. They are there when everyone else is gone.

Comm. Lopera commented that the other key is that it is gated and they know that the spaces will be reserved for the residents.

Comm. Flannery stated that her whole point to this is that she would rather park on Canal Street for free instead of paying \$100 a month to park.

Comm. McGorty responded that they can't park on Canal Street.

Mr. Panico stated that the lease says they can't park on Canal Street.

Comm. Flannery responded that nobody pays any attention to that.

Mr. Panico stated that if they want to jeopardize their lease – then fine.

Comm. McGorty added that there is a lease restriction on the rentals.

Chair Parkins commented that after a couple tickets on their car or having it towed away...(inaudible).

Comm. Flannery stated that she is saying that they need those 22 spaces up front.

Mr. Panico responded that, as a planner, he thinks that would be a mistake. He likes be able to tell them to put them in, but he thinks that putting them in up front would be a mistake.

Chair Parkins commented that she thinks that they need to plant whatever would be easy to take out in the event that they need the spaces, but to keep it green and pretty looking because there will be enough pavement down there as it is.

Mr. Panico indicated that they don't know what the timing is because they don't know the economy – they don't know what the timing of the development of the next parcel will be. It is conceivable that they could come up with a joint, shared parking arrangement to obviate even the need to put these in.

Comm. Flannery asked if they could put a condition in that says they could take off that level of parking if they start breaking ground in August. Can they do that?

Chair Parkins indicated that she thinks that they have committed on record that if they get approval tonight – they have already committed to that.

Comm. Flannery stated she hates extending this to 2021.

Chair Parkins responded that they can't really put that condition on a developer.

Mr. Panico added that nobody knows what tomorrow brings and that is the problem. That's the worst case scenario. Have they seen plans go that far out? Very, very seldom. This is a situation where they are dealing with an Applicant who is ready to build, if they can make this an economically viable project. It's not like they are just thinking about it. It is not like it was a couple of years ago when they were first thinking about it – now they are at the point that they know what the economy is and they know what the market is out there and yet they are saying that they are ready to go forward with it.

Chair Parkins added that was a statement made on the record.

Mr. Panico commented that they know this is going to take a year and half to get ready so they aren't going to be in the rental market for a couple of years. They are anticipating that the recovery will be well underway by then. The general view is that the rental market is going to become a stronger and stronger market because fewer and fewer people are going to be able to afford homes or want homes.

Comm. Lopera asked how long they have left on the approval.

Comm. Flannery responded that they have until 2015 on the current one.

Comm. Lopera stated that without anything they have until 2015 – that's four years and so they are looking \$40M and if the construction costs go up a couple of percent each year, if they wait until 2015, it will be \$50M. So if they don't build it in four years, then they aren't going to build it.

Chair Parkins commented that they stated on record that they presented this to their management board at Avalon and it was approved and the funding has been approved. She would find it hard to believe that they aren't ready to move forward.

Mr. Panico stated that the extensions beyond the first five years are not guaranteed. They still run the risk that the Commission has to make a determination that there is good reason to extend that time period.

Comm. Flannery stated that there is also the risk that if they don't approve this tonight that nothing will happen and they'll have an empty lot.

Chair Parkins responded that possibility certainly exists.

Mr. Panico indicated that he was not sure where the Commission wanted to go with this tonight and he knew that there was a tight timeframe. He put together a resolution to put on the table to modify, strengthen or weaken. He read the draft resolution prepared for Application 11-11. He indicated that he would read this and indicate the places where they might like to make modifications.

***See attached Draft Report Resolution for Application 11-11, Avalon Bay Communities, Inc. for Modification of Statement of Uses & Standards for PDD#60 (Shelton Riverfront Development) and Modification of Final Site Development Plans for Radcliffe Park (Site "B") at 185 Canal Street.**

While reading the draft resolution, Mr. Panico clarified that the adoption of this resolution would only apply to Site "B." The rest of the parking ratios in PDD #60 are still at the 2.0 level. They are only making the change here because of the unique circumstances.

Additionally, he noted one of the modifications being made:

The proposed modification of the approved final site development plans for Site "B" of PDD #60 is hereby approved to accommodate a reduction of the parking structure by one level conditioned upon an indication of 20-25 future spaces along the westerly property line to be installed "upon determination by the Commission that such spaces are needed."

Comm. Flannery asked if they were going to include something about the lease restrictions for parking on Canal Street.

Chair Parkins suggested putting that on Page No. 2, under #1 which discusses on-street, curbside parking – further the Applicant has agreed to stipulate such in the lease agreements.

Mr. Panico indicated that he would be adding that reference on Page 2 – which the applicant has agreed to stipulate in the leases that there be no curbside parking.

Comm. Flannery added that there should also be no parking in the Birmingham complex.

Mr. Panico responded that they don't have to say that because it would be a violation – they are trespassing. They can only control what they can do or not do on their streets. If somebody from their complex wants to go park in Johnny's Jones' parking lot that is between the two of them. They can say it but why shouldn't they also say don't park next door, don't park on the bridge – where would it end? They are not going to park in the Birmingham's parking areas. He'll put it in if she would like it, but it seems a bit redundant.

Comm. Flannery responded that she would like to put it in. She'd feel better.

Chair Parkins stated that she did not think it was necessary.

Comm. Harger agreed that it was beyond their (inaudible).

Comm. Lapera asked if these modifications would become part of the plan so that these drawings would show the gated (inaudible)...

Mr. Panico responded yes, those drawings are their application. He asked the Commission if there was anything else they would like to add.

Comm. Flannery mentioned the plantings on the side.

Mr. Panico stated that is already a part of their approved landscaping plan and it remains in effect.

Chair Parkins added that the only thing changing on this is the parking - nothing else, no site improvements, or anything else.

Comm. Flannery asked about adding the five parking spaces for the employees.

Mr. Panico stated that those are the least desirable spaces that he would want to see put in there. He was unhappy with the six spaces that they gave them in

front of the other entry but they felt they had to back then. They want to have a nice, attractive, clean streetscape.

Comm. McGorty commented that the Commission has the ability to change it if they need it so he'd rather leave it untouched and natural.

Comm. Lopera asked if this was gated in and out.

Mr. Panico stated that is usually the case. He asked if everyone was familiar with the changes made.

Comm. Flannery commented that she didn't like it going to 2021 by approving this tonight.

Mr. Panico responded that is not automatic. If they fail to move into construction now then they have to come back in 5 years – 2016 to get permission to go to '21. If they feel that they are just being jerked around, then don't give it to them. If there good reason for them not having gone, then it is a different story.

Comm. Flannery commented that by looking at it that way, they are only extending it one year.

Mr. Panico stated that right now they are creating the possibility that if this doesn't work economically today, fine, they will sit on their approval for 10 years and maybe it will work then. Instead, they would like to get them moving today, not 10 years from now.

Mr. Panico asked Rick Schultz if they could make this adoption effective Friday, June 10th.

Chair Parkins asked for a motion of the resolution with the changes. She asked if there was any further discussion before voting. There was no more discussion.

On a motion made by Virginia Harger seconded by Joe Sedlock, it was unanimously roll call voted (6-0) to approve the resolution with the noted modifications for Application #11-11.

ADJOURNMENT

On a motion made by Virginia Harger seconded by Patrick Lopera, it was unanimously voted to adjourn at 9:15 p.m.

Respectfully submitted,

Karin Tuke
Planning & Zoning Commission, Recording Secretary