

SHELTON PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
Tuesday, November 12, 2019
Shelton City Hall Auditorium
54 Hill Street, Shelton, CT 06484

TRANSCRIBED, BUT NOT YET
REVIEWED OR APPROVED BY SPZC

PZC Commissioners Present: Virginia Harger, Chairman
Anthony Pogoda, Vice-Chairman (via telephone)
Elaine Matto, Secretary
Charles Kelly
Ned Miller, Alternate (sat in for Comm. Widomski)
Nancy Dickal, Alternate (sat in for Comm. Tickey and
left at 9:45 p.m.)

PZC Commissioners Excused: Jimmy Tickey
Mark Widomski

Also Present: Kenneth Nappi, Provisional Planning and
Zoning Administrator
Anthony Panico, Consultant
Alexander Rossetti, PZC Assistant
Josh O'Neill, PZC Assistant
Sarah Vournazos, Recording Secretary

Tapes, correspondences, and attachments are on file in the City/Town Clerk's office and the Planning and Zoning office. Minutes are on the City of Shelton website: www.cityofshelton.org.

I. Call to Order

Comm. Harger called the meeting to order at 7:00 p.m.

II. Pledge of Allegiance

All those who were present rose and recited the Pledge of Allegiance.

III. Roll Call

Comm. Harger identified members present.

IV. Applications for Certificate of Zoning Compliance

1. Application #4023: Marissa Papa, 6 Huntington Street for a sign.
Mr. O'Neill indicated they have now received a more defined sign application with the dimensions of 94 x 36 and the lettering. Mr. Nappi stated the applicant may choose the color of the sign and the PZC has authority on the size of the sign, its letters and that sign content is not offensive according to a state statute noted by Corporation Counsel. Mr. Nappi mentioned it might be advisable for the PZC to have the landlord to put double spotlights so all three signs are illuminated.

Stephanie D. Fitzgerald

2019 NOV 19 P 3:13

CITY OF SHELTON
TOWN CLERK

Motion made by Comm. Kelly, seconded by Comm. Matto, to approve the sign for Appl. #4023. On a voice vote, the PZC voted to approve the motion with Comm. Pogoda opposing. The motion passed 5 to 1.

2. Application #4035: Signlite Inc. 702 Bridgeport Avenue for a sign. Mr. O'Neill indicated these are sign replacements and both signs are located in the plaza. Mr. Lee identified himself and noted there are two signs, one in front and one in back.

Motion made by Comm. Dickal, seconded by Comm. Kelly, to approve the sign for Appl. #4035. On a voice vote, the PZC voted unanimously to approve the motion.

3. Application #4063: Ashley Tremblay, 415 Howe Avenue, for a sign. Mr. O'Neill indicated this is in the Conti building and the Hair Loft sign is going to match the Three Bridges Coffeehouse sign design.

Motion made by Comm. Kelly, seconded by Comm. Matto, to approve the sign for Appl. #4063. On a voice vote, the PZC voted unanimously to approve the motion.

4. Application #4073: Archer Signs, 110 Commerce Drive for a sign. Mr. O'Neill indicated this is a panel sign located on the lower level in the CX Plaza. Mr. Vasser identified himself and stated the space is located between 99 Bottles and Massage Envy.

Motion made by Comm. Matto, seconded by Comm. Dickal, to approve the sign for Appl. #4073. On a voice vote, the PZC voted unanimously to approve the motion.

5. Application #4061: Chris Miskill, 48 Huntington Plaza for a sign. Mr. O'Neill indicated this is a panel sign for Phase Physical Fitness that is located on the lower level. He stated there will also be a sign on the monument sign.

Motion made by Comm. Kelly, seconded by Comm. Matto, to approve the sign for Appl. #4061. On a voice vote, the PZC voted unanimously to approve the motion.

6. Application #4048: Julian Thomas and Jill Stockmal, 371 Leavenworth Road for a private shooting range. Mr. Nappi indicated there is a conservation easement located on the property which has some deed restrictions. He recommends to table this application until they hold a work session with the Conservation Commission.

Motion made by Comm. Dickal, seconded by Comm. Matto, to table the private shooting range for Appl. #4048. On a voice vote, the PZC voted unanimously to approve the motion.

7. Application #3273: David and Loren Pace, 81 Indian Well Road for a detached structure.

Mr. Pace identified himself and Comm. Harger referenced the letter from the property manager of the Maples Association. Mr. Nappi mentioned they have now received approval from Inland Wetlands Commission and the Maples Association with no objections about the encroachment. Mr. Panico stated this is a private road.

Motion made by Comm. Kelly, seconded by Comm. Dickal, to approve the detached structure for Appl. #3273. On a voice vote, the PZC voted unanimously to approve the motion.

8. Application #4066: Brian Lugo, 850 Bridgeport Avenue, for a business occupancy and a sign.

Ms. Yang and Mr. Lugo identified themselves and indicated they are applying for signage for Domino's which will be located next to Panera Bread. Mr. Nappi mentioned there are three employees inside and two to three delivery drivers on call. The Commissioners stated they prefer the black and white rendering.

Motion made by Comm. Kelly, seconded by Comm. Matto, to approve the sign conditionally based on the black and white rendering for Appl. #4066. On a voice vote, the PZC voted unanimously to approve the motion.

Motion made by Comm. Dickal, seconded by Comm. Matto, to approve the business occupancy for Appl. #4066. On a voice vote, the PZC voted unanimously to approve the motion.

9. Application #4029: Canvas Products, 381 Bridgeport Avenue, for an awning. Mr. Yacovelli identified himself and indicated the awning would be for the winter and summer months, and that the enclosed structure would be removed for the summer months. Comm. Harger mentioned none of the other occupants have such an enclosure and Mr. Panico said they would be setting a "terrible precedent" if approved. He further stated, "this is a Planned Development District, there is an overall motif to the architectural design and appearance of the accumulation of structures there and that was never talked about when originally approved."

Motion made by Comm. Matto, seconded by Comm. Dickal, to deny the awning for Appl. #4029. On a voice vote, the PZC voted unanimously to approve the motion.

V. Public Hearing

Commissioner Harger advised copies of the Agenda were on the podium, how the public who wished to comment on the proposals being presented will be called to the podium, and read the guidelines for the public hearing.

A. Continuation of Application #19-24, 502 Howe Ave., LLC, at 502 Howe Ave, on .70 acres in a CA-3 zone, applying for a Planned Development District with banking services, a coffee shop, on-site parking and 56 market-rate rental residential units above. Review, discuss and possible action.

Mr. Rose, the Architect of Rose Tiso & Co. LLC, identified himself on behalf of the applicant and briefly reviewed the first-floor plan (site plan). He noted the 42 parking spaces, the drive-thru for Dunkin' and the drive-thru for the ATM at Webster Bank. He stated "everything is self-contained" and they are screening the parking lot.

Mr. Rose then described the first residential floor located on the second level and mentioned there are 48 parking spaces. He indicated there are 14 apartments; six studios, seven one-bedrooms and one two-bedroom unit. Overall, there are a total of 56 units comprised of 24 studios, 28 one-bedrooms and four two bedrooms. He presented the rendering and stated the overall building height is 58 feet. Samples of the building materials were then distributed and Mr. DaSilva identified himself and indicated the building materials are made from recyclable materials.

Mr. Sullivan of Milone & MacBroom, identified himself on behalf of the applicant. He indicated he worked with Mr. Pereira of Pereira Engineering, LLC to look at what the "best access and flow of traffic would be for the site." He then reviewed their summary recommendations, operations and the site driveway. He stated, "the stackings shown are more than adequate for this particular location at this site."

Comm. Matto asked Mr. DaSilva if he was planning to include some affordable units but he replied that a project needs close to 100 units to make it economically feasible to do so. Mr. DaSilva stated, "if you were to give three units, you're talking about close to \$400,000 and that is an investment that does not give you a return." He reiterated that he is offering extra parking spaces in their lot.

Comm. Harger opened up the public portion and the following members of the audience spoke regarding Appl.#19-24:

Mr. Stanziale, owner and developer of Cedar Village at Carroll's, stated he is in favor of this project.

Mr. DaSilva, the applicant, spoke to the Commissioners, stating he has been a resident of Shelton for more than 60 years and is pleased with Shelton's revitalization. He stated, "you hold in your hands the opportunity to continue this revitalization and see it through to the end." However, he expressed his concerns over some of the proposed projects in places other than downtown and said he hopes the PZC's focus will be in the downtown area.

Motion made by Comm. Matto, seconded by Comm. Kelly, to close the public hearing for Appl. #19-24. On a voice vote, the PZC voted unanimously to approve the motion.

The Commissioners have a favorable consensus to direct Mr. Panico to develop a resolution to vote on at a different meeting.

VI. Old Business

A. Application #19-22, PDD #67, "Bridge Street Commons II". Bridge Street Partners LLC, at 427 Howe Ave for an expansion of PDD #67. The development intends to accommodate the addition of 72 units, 2 retail spaces, with on-site parking. Review, discuss, resolution and possible action.

Mr. Panico read aloud the resolution regarding Appl. #19-22 (see attached).

Motion made by Comm. Kelly, seconded by Comm. Dickal, to move the resolution for Appl. #19-22. On a roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Kelly – Aye	Comm. Matto – Aye	Comm. Pogoda – Aye
Comm. Dickal – Aye	Comm. Harger – Aye	Comm. Miller – Abstain

The motion passed 5 to 0 with Comm. Miller abstaining.

B. Application #18-01, PDD #65, "Riverwalk Place Apartments," located at 356-358 Howe Avenue, John Ruffalo and Perry Pettas, petition for a Modification of PDD #65 for a mixed-use development including 2 retail spaces, 36 apartments and necessary parking. Review, discuss, resolution and possible action.

Mr. Panico read aloud the resolution regarding Appl. #18-01 (see attached).

Motion made by Comm. Kelly, seconded by Comm. Dickal, to move the resolution for Appl. #18-01. On a roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Kelly – Aye	Comm. Pogoda – Aye	Comm. Matto – Aye
Comm. Dickal – Aye	Comm. Harger – Aye	Comm. Miller – Abstain

The motion passed 5 to 0 with Comm. Miller abstaining.

VII. New Business

A. Application #19-25, Romano Brothers Builders Inc., at 103 Meadow Street petition for a three-lot subdivision in an R-3 zone on .73 acres. Accept, review and discuss.

Motion made by Comm. Kelly, seconded by Comm. Matto, to accept Appl. #19-25 for review. On a voice vote, the PZC voted unanimously to approve the motion.

Attorney Bellis identified himself on behalf of the applicant and presented the ZBA's approval of the variance for all three lots, reducing it from 12,000 sq. ft. to 10,617 sq. ft. He requested paying a fee of \$8,460 in lieu of donating the 10% of open space and the Commissioners concurred.

Mr. Jim Swift, the Professional Engineer, identified himself on behalf of the applicant

and stated “there is no deficiency with the road, the site lines are fine, and we are providing drainage as recommended.”

Motion made by Comm. Matto, seconded by Comm. Kelly, to approve, subject to any comments made by the city engineer for Appl. #19-25. On a roll call vote taken by Comm. Harger, the PZC voted as follows:

Comm. Dickal – Aye	Comm. Matto – Aye	Comm. Kelly – Aye
Comm. Harger – Aye	Comm. Pogoda – Nay	Comm. Miller – Abstain

The motion passed 4 to 1 with Comm. Miller abstaining.

VIII. Public Portion: Anyone wishing to address the Commission on any item, not on the agenda.

Mr. Tetro conveyed to the Commissioners that there is an upcoming Inland Wetlands Commission meeting at Shelton City Hall regarding Shelter Ridge, which he hopes they will attend.

Mr. Tetro also mentioned the public wanted to voice their concerns regarding Huntington Village and were angered that they were not given the opportunity to do so since it was “behind closed doors.” Comm Harger said they denied the proposal, and that “as a group, we felt it was in the best interest for the community.” Mr. Panico noted the application for the proposed affordable housing project was for a “significantly higher density.”

Motion made by Comm. Matto, seconded by Comm. Kelly, to close the public portion. On a voice vote, the PZC voted unanimously to approve the motion.

IX. Other Business

A. Bond Release

i. Soundview Crossing – Whispering Pines Lane, request release of the \$70,000 performance bond and post a \$20,000 maintenance bond.

Mr. Nappi read aloud a letter addressed to the Commission regarding Soundview Crossing (see attached).

Motion made by Comm. Kelly, seconded by Comm. Pogoda, to authorize the release of the \$70,000 performance bond and post a \$20,000 maintenance bond. On a voice vote, the PZC voted unanimously to approve the motion.

ii. Booth Hill Estates – Emily Lane, request release of the \$619,000 performance bond and post a maintenance bond.

Mr. Nappi indicated that staff recommends to table the release because the inspection has not been completed.

Motion made by Comm. Pogoda, seconded by Comm. Matto, to table the release of the \$619,000 performance bond as well as post of maintenance bond. On a voice vote, the PZC voted unanimously to approve the motion.

B. Comments from PZC Chairman and Subcommittee Chairman
Chairman Harger noted this is the last meeting for Comm. Dickal and Comm. Miller, thanked them for their time and effort, and stated they will be missed.

Comm. Kelly mentioned that the Downtown subcommittee will meet on Friday, December 13, 2019.

C. Staff Comments

Mr. Nappi thanked Comm. Dickal and Comm. Miller for their thoughtfulness before rendering their votes and wished them well in their futures.

D. Approval of Minutes

- i. September 11, 2019 – Special Meeting
- ii. September 25, 2019 – Special Meeting

Motion made by Comm. Matto, seconded by Comm. Pogoda, to approve the PZC meeting minutes of 9/11/19 and 9/25/19. On a voice vote, the PZC voted unanimously to approve the motion.

E. Distribution of Minutes and Motions

- i. October 8, 2019 – Regular Meeting
- ii. October 23, 2019 – Special Meeting

X. Adjournment

Motion made by Comm. Matto, seconded by Comm. Kelly, to adjourn at 9:55 p.m. On a voice vote, the PZC unanimously voted to approve the motion.

Respectfully submitted,

Sarah Vournazos,
Recording Secretary

19-22

SHELTON PLANNING AND ZONING COMMISSION (For Consideration Nov. 12, 2019)

November 8, 2019; Rev. 11/11/19

RE: Application #19-22 Petition of 427 Howe Avenue LLC/Bridge Street Partners, LLC for a Proposed Expansion of Planned Development District #67 (PDD #67) for a Mixed Use Development at 427 Howe Avenue at the corner of Center Street Currently Zoned Commercial CA-3 and Industrial IB-2 with C.B.D./S.D.A. Overlay Approval of Initial Development Plans and Adoption of Expanded PDD #67.

BACKGROUND

The petitioner, 427 HOWE AVENUE LLC/BRIDGE STREET PARTNERS, LLC, proposes to construct a mixed use development consisting of 72 residential units above two (2) ground floor retail/commercial uses as an expansion of the established development on a site extending from the southerly limits of the current PDD #67, along Howe Avenue and Canal Street to Center Street, expressly excluding that property now of formerly of Oraziotti Brothers, LLC, in downtown Shelton. The site is occupied by Dunkin Donuts and a variety of office tenants. The proposal, identified as "Bridge Street Commons II" proposes to utilize the Canal Street level plus a second level for parking with retail/commercial uses at the Howe Avenue level and four (4) floors of residential units above that.

The proposed PDD expansion parcel contains 22,926 square feet (0.53 acres), is within the CBD overlay zone, and results in a total Expanded PDD #67 area of 41,731 square feet (0.958 acres).

Development plans for the proposal are entitled "Proposed Modifications To Initial Development Plans, PLANNED DEVELOPMENT DISTRICT #67, BRIDGE STREET COMMONS II, Howe Avenue, Center Street & Canal Street, Shelton, Connecticut", prepared by James R. Swift, Professional Engineer - Landscape Architect, dated September 4, 2019 and Rose-Tiso & Co., LLC, Architects, dated 9/16/18 revised to 9/4/19.

The Shelton Planning and Zoning Commission notes that long range, downtown planning and revitalization efforts have always contemplated mixed-use development and the introduction of new residential apartments in the downtown, provided the residential use does not displace street-level retail/commercial activities. In the downtown area, the major responsibility for provision of adequate parking for retail/commercial and office uses has been assumed by the City of Shelton which currently maintains several municipal parking facilities throughout the downtown and in the general vicinity of the subject site. Notwithstanding the availability of

public parking, the Commission has always endeavored to satisfy basic residential parking needs directly on-site for the convenience of the residents. Currently, an on-site ratio of not less than one space per apartment unit is required, with excess demand satisfied by on-street and other nearby public parking facilities. The subject proposal indicates 95 garage-level spaces being created, six (6) of which are to replace existing spaces assigned to Bridge Street Commons I. In addition to spaces in the nearby municipal lot on White Street at Canal Street West, convenient to the northwest corner of the subject site, the City contemplates the construction of some 20 or more spaces opposite the site, along the railroad right-of-way. Also, there are additional spaces in the recently completed parking facility on the former Chromium Process site, diagonally across Canal Street from the subject site as well as the large municipal parking area within one block of the subject site to the south.

The Commission held a duly noticed public hearing on the proposal on September 25, 2019 and the proposal was well received. The only concerns voiced at the hearing related to the need to assure emergency egress from the Orazietti Brothers site out to Canal Street. It was also suggested that, if possible, the property owners might cooperate to provide an opportunity for rubbish disposal service from Canal Street for the Orazietti property. The Commission has completed an extensive and detailed review of the proposal, is familiar with the general area and the site in particular and notes the following findings:

FINDINGS

1. Staff has noted that an easement for emergency egress has been granted to the Orazietti property. Access for rubbish removal is being considered but poses many concerns for the applicant, but he indicated he will give it further consideration. In the meanwhile, it was noted that the Orazietti property has space at the Howe Avenue level in the area behind the sidewalk where an appropriate enclosure for trash containers can be provided while serviced from Howe Avenue. In any event, rubbish removal services for the subject proposal are provided from Canal Street and does not rely on such services from Howe Avenue.
2. The Commission is familiar with the relationship of the subject site to the street system and the various existing and proposed public parking facilities in the immediate vicinity and confirms the proximity of major public parking facilities to the subject proposal. The Commission notes that the proposal results in a net reduction of retail/commercial floor area and that residential peak travel flows do not coincide with peak retail/commercial activity downtown. Staff has requested the Local Traffic Authority (Shelton Police Department) for input regarding the City Engineer's concern about safety at the parking exit and the possible

need to eliminate some curb parking on Canal Street for safety purposes. All concerns will be addressed in the preparation of Final Detailed Development Plans. The Commission determined, subject to potential further adjustment, that the public system of streets and parking facilities will be adequate to accommodate the proposed development. It is noted that in excess of one (1) on-site parking space for each proposed dwelling unit is proposed be provided using structured, on-site parking.

3. A favorable report was received from the Fire Marshal and the City Engineer's concerns can be addressed in final plan preparation. Parking space size in a PDD can be determined by the Commission. Application has been made to the WPCA and favorable action is anticipated at their next meeting on November 13, 2019. All concerns must be addressed prior to the submission of Final Detailed Development Plans
4. The Commission discussed its general concerns about excessive building height along the Howe Avenue frontage. It is noted that relative to maximum permissible height, in the delineated Central Business District (CBD) Special Development Area (SDA), the Commission may permit structure height to exceed 60 feet in order to, among other things, "facilitate and encourage the continuing private revitalization efforts of Downtown CBD property owners". On the Howe Avenue elevation, without the attractive cornice work and variable height parapet walls, the average rooftop height is 60 feet, varying from 57.5 feet above sidewalk level to 62.5 feet, due to the descending grade of Howe Avenue. Proceeding down Center Street the sidewalk level continues to drop resulting in a maximum height at the Center/Canal Street corner approaching 68.5 feet. The building height is also impacted somewhat by minimum FEMA flood levels at that corner which influences the lowest parking level beneath the building. Even with the added architectural features of cornice work and varying height parapet walls, on the Howe Avenue facade the building roof elevations are consistent with the roof levels of Bridge Street Commons on the north as well as the elderly housing structure to the south, directly across Center Street from the proposed building. Accordingly, the height of the proposed building will not be out of character with the height of other existing buildings along Howe Avenue in the downtown Shelton area. The preliminary architectural elevations are well articulated, detailed and attractive, with cornice details echoing the treatment of other downtown buildings. The building will be of steel and masonry construction. Detailed architectural plans will need to provide final specifics on exterior materials and finishes; storefront treatments including allocated and dimensioned sign panels, final cornice details, garage-level ventilation grilles, etc.

5. Regarding the question of adequacy of elevator service, Staff has confirmed with the architects that the single elevator is consistent with industry standards and copies of such standards will be furnished. Also, the applicant has confirmed with Staff that emergency generator service will be provided such that elevator service will be available for 24/7 use, even during power outages. In addition, as suggested by the Commission, a side delivery door from Center Street can and will be provided, supported by a marked, curbside delivery zone.
6. All necessary utility services are available or can be provided to the site and all utility services will be located underground.
7. The proposed mixed-use development is consistent with the Commission's long range land use plan for downtown Shelton and represents another opportunity to encourage private sector investment in the downtown Shelton revitalization efforts. The overall proposal is well integrated with the Downtown Area and will result in a major development proposal on one of the most visual corners in downtown. It represents significant additional private investment that builds upon and is consistent with other established downtown development. There is no conventional zoning district to accommodate the unique combination of retail/commercial, structured parking and residential rental apartments at the development standards proposed, with adequate protections to the City.
8. The proposed Statement of Uses and Standards requires further minor refinement, modification and clarification to avoid ambiguity and misinterpretation and to acknowledge the need for additional building height on Canal Street necessary to accommodate site grades while preserving the Howe Avenue height limitations.

On the basis of the above and the favorable consensus of the Commission, Staff has prepared the following **RESOLUTION** for the Commission's favorable consideration and action.

RESOLUTION

WHEREAS the Applicant has submitted a complete petition for the establishment of a five (5) story, mixed retail/commercial and residential use building under the Planned Development District regulations as an integrated expansion of the existing PDD #67, known as Bridge Street Commons I, on a 0.53 acre site fronting on Howe Avenue and Center Street, which site is now zoned Commercial CA-3 and Industrial IB-2 and will result in a total area of PDD #67 of 0.958

acres. Said PDD will encompass the entire downtown block with the exception of that 50 by 100 foot parcel owned now or formerly by Oraziotti Brothers

WHEREAS the Commission held a duly noticed public hearing on September 25, 2019 to consider said application; and

WHEREAS the Applicant has submitted **Modified Initial Development Plans**, including other related materials in order to provide the Commission with the information and details necessary to render an informed decision; and

WHEREAS the Commission is familiar with the subject site and the applicable zoning regulations and has reviewed in detail the proposal and all accompanying documents thereto, and subject to the comments set forth above, the Commission notes the following:

1. The application complies with the applicable zoning requirements.
2. Initial favorable action by the WPCA is anticipated at their next meeting on November 13, 2019 and all applicable comments of the City Engineer and the Fire Marshall will be addressed with the submission of Detailed Development Plans.
3. The site is currently developed with older, deteriorated buildings in need of demolition and replacement in a manner that compliments ongoing downtown redevelopment efforts.
4. **Final Detailed Development Plans** will need to address minor outstanding issues noted above including details regarding Center Street service entrance, safety provisions at parking egress, sidewalk and curb corrections and replacement, lighting and landscaping, clarification of height to main roof level plus additional height to accommodate architectural treatment.
5. The proposed PDD encompasses a parcel of greater than 10,000 square feet and is consistent with overall Downtown Planing, the adopted Plan of Conservation and Development and the comprehensive plan of zoning for the City.
6. The parking demands and projected traffic will not overload available and proposed public parking facilities and the street circulation system in the area. Existing and proposed utility services are adequate for the proposed development.

NOW THEREFORE, the Shelton Planning and Zoning Commission, in accordance with the provisions of Section 34, hereby approves with conditions the subject **Modified Initial Development Plans** subject to the following conditions and adjustments:

- a. Satisfaction of all final comments and concerns of the City Engineer, Water Pollution Control Authority, Fire Marshall, Local Traffic Authority and any and all other applicable municipal boards and commissions.
- b. Final modification and revision of the **Modified Initial Development Plans** as necessary in response to all concerns noted above and any outstanding concerns of the Commission and its staff that may arise from additional on-going review.
- c. Submission of a modified **Statement of Uses and Standards** to address outstanding concerns and to incorporate provisions for acknowledging height relief due to grades at Canal Street and to accommodate architectural facade features.
- d. Provision of final specifics concerning exterior finishes, including submission of samples of exterior materials and finishes, if requested by the Commission.
- e. All utility services shall be located underground.
- f. At the time of approval of **Final Development Plans**, appropriate bonding will be required covering any work within the public rights-of-way and in such additional amount as determined by the Commission to assure the completion of critical site improvements, landscaping and other areas of concern. A separate bond shall be provided to assure the installation and maintenance of any required sediment and erosion controls.

Final Detailed Development Plans including all supporting design details, information and evidence of any required final approvals, shall be submitted on or before July 1, 2020. Other than demolition permits, no permits for construction shall be issued prior to approval of **Final Detailed Development Plans**.

On the basis of this conditional approval of Modified Initial Development Plans, the subject proposed Expansion of PDD #67 is adopted for the reasons found in the discussions preceding the motion and shall continue to be identified as PDD #67.

Said adoption shall become effective on Friday, November 29, 2019 at 8:00 a.m.

The above **RESOLUTION** was moved by Commissioner Kelly and seconded by Commissioner Dickal.

Upon completion of all further discussion, on a roll call vote, Commissioners Kelly, Matto, Pogoda, Dickal and Harger voted in favor.

None voted in opposition.

The Chairman declared the **RESOLUTION** adopted.

SHELTON PLANNING AND ZONING COMMISSION

October 22, 2019; Rev. 11/1/19 (For consideration at Commission meeting of 11/12/19)

RE: Amended Application #18-01 Petition of Perry Pettas for Approval of Expanded and Modified Detailed Development Plans and Revisions to the adopted Statement of Uses and Standards for Planned Development District #65 (PDD#65) for a multi-story mixed-use commercial/residential development at 356-358 Howe Avenue, encompassing also the adjacent municipal parking facility and including frontage on Cornell Street, zoned entirely PDD#65 and lying within the CBD Overlay Zone.

The petitioner proposes to further modify, expand and amend **Planned Development District #65 (PDD#65)** encompassing a 0.50 acre site with 157.65 feet of frontage on the west side of Howe Avenue and having 37 feet of frontage on Cornell Street also, to accommodate a mixed-use commercial/residential building having retail stores at the street level with four (4) floors of residential apartments above. On-site parking of 35 spaces is proposed, nine (9) of which are located under a portion of the building. The site is bordered by a retail building on the south and a multi-family residential condominium building on the north and is across the street from a large municipal off-street parking facility. The property is owned in part, now or formerly by Perry Pettas with a contract to purchase the existing municipal parking lot adjacent and to the north of the proposed building.

The proposed five (5) story building will contain two (2) retail tenants totaling approximately 3,300 square feet of retail space and 35 apartments, consisting of studio, one (1) and two (2) bedroom apartments plus ancillary space. The apartments will be served by on-site parking for some 35 cars while retail/commercial parking demands will be satisfied by curb parking and the municipal parking facility across the street. Detail Development Plans for the proposal are entitled "RIVERWALK PLACE", prepared by Nowakowski-O'Bymachow-Kane Associates, Civil Engineering & Land Surveying, dated January 2, 2018, revised and reissued 10/20/19 and John Ruffalo III, Architects, dated revised to 10/02/19.

The Commission convened a duly noticed public hearing on July 31, 2019, continued to August 13, 2019 and closed. During the hearing there was just one (1) public comment expressed, concerning the provision of adequate parking to avoid illegal parking on the abutting Shelton Victorian Condominiums adjacent and to the north of the subject site. The Commissioners raised several questions relative to the proposed building height, unit mix, parking lot lighting, exterior building materials and finishes, window treatment, rubbish removal, etc. All questions were addressed by the applicant's representatives who have proposed solutions to all issues.

The Commission has reviewed the latest Expanded and Modified Detailed Development Plans, is familiar with the area and existing site conditions, has considered how the site is proposed to be developed and notes the following observations and findings:

1. The original PDD#65 was adopted on September 11, 2007 to accommodate a smaller mixed use building on a smaller site consisting only of the parcels at 356 and 368 Howe Avenue. However, that proposal did not go forward and the applicant has since acquired the small parcel on Cornell Street and has entered into a contract with the City of Shelton to acquire the adjacent municipal parking lot on Howe Avenue, enabling him to redesign and expand the proposed mixed-use retail/commercial and residential facility. The modified PDD#65 was then approved to allow a four (4) story building with 6,380 square feet of ground floor retail and 25 rental apartments above, with on-site parking for 26 vehicles.
2. In pursuing implementation of the approved PDD#65 for 25 apartments plus ground floor retail, the owner encountered economic feasibility and marketing issues with the proposal as approved and determined that additional residential density was needed to make the proposal economically feasible. Accordingly, the subject amended Application #18-01 was filed and proposes to add a fifth floor to the building in order to increase the number of apartments from 25 to 35 in a mixture of 4 studio, 22 one-bedroom and 9 two-bedroom units. Also included is a Business Center, Management Office, Fitness Center, Common Room and Club Room as well as a Rooftop Terrace and Pergola. All units are served by an elevator and a

central rubbish disposal chute is accessible from each of the upper floors. In order to provide the minimum of 10 additional on-site parking needed, this proposal reduces the ground floor retail tenant area to 3,300 square feet to make room for additional at-grade parking under a portion of the structure, accessed from the main surface lot and egressing out to Cornell Street.

3. The site is part of the downtown revitalization area and is occupied by an older residential structure converted to commercial use and a detached multi-bay garage also used for marginal commercial purposes, both of which are to be demolished. In its earlier considerations and action, the Commission determined that any proposal for the site must be carefully done architecturally and be consistent with the overall goals of revitalization of the CBD and the preservation of the historic character of Downtown. The applicant's architect has worked cooperatively with staff and the Commission in arriving at an acceptable exterior appearance. Brick siding has been expanded significantly on both the Howe Avenue frontage and the highly visible northerly facade facing the parking area and the adjacent Shelton Victorian Condominiums. Window details have been improved and incorporate arched brick lintels in the brickwork. Attractive cornice work is also proposed. Modest tenant sign panels are proposed as well as wall-mounted gooseneck lighting across the street facade.

4. The site has full utility services in Howe Avenue and enjoys good visibility. The site slopes up gradually from street level, with the rear of the site being approximately 10 to 12 feet higher than the street sidewalk level. As a result, the former City parking lot has a grade of approximately 7.5 to 8.0 percent. The off site residence abutting the rear of the site has and will continue to enjoy a 12 foot wide access easement across the parking lot to this property. The addition of the small parcel on Cornell Street to the original site allows for site access for utility services and rubbish removal as well as accommodating exiting traffic from the parking facilities. The site is irregular in shape with approximately 158 feet of frontage on Howe Avenue. Some minimal re-grading of the site is needed to accommodate the proposed building and parking, but existing grades are generally preserved at the property lines. Minor

regrading is needed to achieve uniform grades in the parking areas and although the applicant anticipates working with the existing grades as much as possible, where necessary a low retaining wall will be installed. The proposed site layout results in an increase in the amount of impervious surface coverage and the storm water drainage system is designed to retain peak flows so as to result in no increase in peak site discharge. Final design of the drainage system will require approval of ConnDOT since runoff is directed to the State system in Howe Avenue. ConnDOT approval of the needed curb cut improvements is also required. The final site plan will need additional minor clarification, revision and detailing, and to provide consistency with the architectural ground level plan details

5. The proposal is consistent with the downtown revitalization efforts and the pattern of quality development. The design proposes to utilize cornice treatments and exterior materials, including brick, reflective of older, established, downtown buildings. The PDD approach provides the Commission and its Downtown Subcommittee with the necessary element of control over site and building design, signage and permitted uses. At this time, the Modified Statement of Uses and Standards as Revised 6/21/19 needs further revision in several aspects and to clarify certain other standards and details.
6. The Commission continues to support the efforts of downtown property owners who desire to make substantial investment in their properties and the future of Downtown Shelton. The Commission, its staff and the Downtown Subcommittee will continue to work with and assist this applicant in resolving any outstanding concerns and to arrive at an acceptable resolution.

After a full discussion of the petition and the final site plan and architectural modifications, the Commission authorized staff to prepare a favorable RESOLUTION for their consideration and action. On the basis of the findings and concerns noted above, the following RESOLUTION is offered:

RESOLUTION

Shelton Planning and Zoning Commission, in accordance with the provisions of Section 34, hereby approves with conditions the subject **Expanded and Modified Detailed Development Plans** and **Amended Statement of Uses and Standards** subject to the following conditions and adjustments:

- a. Satisfaction of all final comments and concerns of the City Engineer, Inland Wetlands Commission, Fire Marshall, Local and State Traffic Authorities and any and all other applicable municipal boards and commissions.

- b. Final modification and revision of the **Expanded and Modified Detailed Development Plans** as necessary in response to all concerns noted herein and any outstanding concerns of the Commission and its staff that may arise from additional on-going review. Further review and reconsideration of engineered site plan design details for consistency with architectural ground floor plan is necessary, especially with respect to property line treatment details, curbing specifics and delineation of planted areas, clarification of surface treatments of sidewalks and driveway ramp details on each street, etc. Adequacy of parking area lighting should be reexamined, any lighting poles should be limited in height and fixtures must avoid off-site light and glare. Details should be provided. Clarify details for separations between parking lot and public sidewalk using curbing and landscape materials where possible. Provide proposed landscape area details and proposed street trees must be consistent with the City program. All on-site curbing must be concrete curbing; at minimum extruded concrete curbing will be acceptable. The engineered site plans should be drawn at a larger scale, consistent with architectural site plan. Further discussion and review by Staff and the City Engineer may be needed. Architectural design attention is needed with respect to details of the front canopy, reduction in size of tenant sign panels, standing seam roof covering the ground floor walkway at rear of building, etc. including design, cross-sections, materials and finishes.

Clarify and/or modify detailed floor plans where necessary, such as with respect to the roof terrace/ pergola area. Should the fitness center, common room and club room be provided with lavatory facilities?

- c. Submission of a revised **Modified Statement of Uses and Standards** addressing any outstanding concerns. Clarify food service use line and the reference to retention of existing uses. Reduce the proposed 75 foot maximum height to that which is needed to accommodate the final building design and will be consistent with zoning standards. Reduce impervious lot coverage slightly to account for some landscaped areas. Clarify other minor discrepancies and language concerns.
- d. Provision of specifics concerning exterior finishes, including submission of samples of exterior materials and finishes, if requested by the Commission.
- e. All utility services shall be located underground.
- f. Prior to the endorsement of **Expanded and Modified Detailed Development Plans**, appropriate bonding will be required covering any work within the public rights-of-way and in such additional amount as determined by the Commission to assure site restoration and/or the completion of critical site improvements, landscaping and other areas of concern. A separate bond shall be provided to assure the installation and maintenance of all required sediment and erosion controls.
- g. **Expanded and Modified Detailed Development Plans** reflecting all modifications necessitated above, including evidence of all other final approvals, shall be submitted for endorsement by the Chairman prior to the issuance of any permits. No permits, other than necessary demolition permits, shall be issued prior to said endorsement of **Expanded and Modified Detailed Development Plans**.

On the basis of this conditional approval of **Expanded and Modified Detailed Development Plans** and the revised **Modified Statement of Uses and Standards**, said **Expanded and Modified PDD #65** is hereby adopted for the reasons found in the discussions preceding the motion.

Said amendment shall become effective on Friday, November 29, 2019 at 8:00 a.m.

The above **RESOLUTION** was moved by Commissioner Kelly and seconded by Commissioner Dickal.

Upon completion of all further discussion, on a roll call vote, Commissioners Kelly, Pogoda, Matto, Dickal, and Harger voted in favor.

None voted in opposition.