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City of Stamford Land Use Bureau

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## STAFF REPORT

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**TO:** CITY OF STAMFORD ZONING BOARD  
**FROM:** VINEETA MATHUR, AICP, ASSOCIATE PLANNER  
RALPH BLESSING, PhD, LAND USE BUREAU CHIEF &  
DAVID W. WOODS, PhD, AICP, DEPUTY DIRECTOR OF PLANNING  
**SUBJECT:** ZB APPLICATION #217-01 - HIGH RIDGE REAL ESTATE OWNER,  
LLC  
**DATE:** MARCH 23, 2018

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**MASTER PLAN:** CATEGORY NO. 8: Mixed Use – Campus  
**ZONE:** C-D

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### Highlights

The applicant, High Ridge Real Estate Owner, LLC (HRREO) is seeking a *Text Change* to add a sub-section to the Commercial Design (C-D) District Regulations to allow redevelopment of existing office parks with Gymnasium or Physical Culture Establishments subject to the requirements and standards outlined in Section 19.3 Special Exceptions of the Zoning Code. If approved, this Text Change would *only allow* the applicant to *apply, by Special Exception*, to develop a health and fitness center for any of the five office parks in the MP Category 8: Mixed-Use Campus that are zoned Commercial Design (C-D). For all Special Exception applications the applicant will be required to return to request approval for Site and Architectural Plans *and* Special Exception approval in a separate application that requires *review by the* Planning Board and *approval by the* Zoning Board. Section 19.3.b specifies that at the “discretion of the reviewing Board... [provides the mechanism for the Boards to include] conditions imposed by the Zoning Board [and could be recommended by the Planning Board].” Without a Special Exception review requirement, the High Ridge Office Park owners have a number of potential options they could use to redevelop this property without Planning Board review and recommendations to the Zoning Board as well as the safeguards offered by Special Exception designed “*to minimize any adverse impact on the neighborhood.*”

### Scope of the Proposed Changes:

This proposed Text Change application potentially applies to all six C-D zoned properties in Stamford. One of these properties is fully developed with residences (Palmer Hill off of Havemeyer Lane). This property is located in residential Master Plan Category 3, and therefore, would not be affected by the proposed Text Change. The remaining five sites are located either on Long Ridge Road (3 properties) or High Ridge Road (2 properties), including the one owned by the applicant. All of these districts are located south of the Merritt Parkway and north of Bulls Head. Attached map and chart provides an overview of the zoning data for these five C-D districts.

**What is Currently Allowed in Commercial Design Districts (C-D):**

Currently, C-D districts allow mainly for a variety of office and related uses (see Section 9 BBB of the Stamford Zoning Regulations for details) as-of-right, meaning no special authorization by the Zoning or Planning Boards are required for establishing this kind of use. New development in C-D Districts, including parking lots, cannot cover more than 40% of the parcel and buildings alone cannot cover more than 12%. Building height, including garages, is limited to 3.5 stories on parcels smaller than 30 acres and four stories on larger parcels. Buildings with 3.5 stories or less must setback at least 100 ft. from a property line if the neighboring property is in a residential district and 50 ft. from any other zoning district. Four story buildings must be set back at least 400 ft. from the front street line (but not property lines). The floor area ratio, which determines how many square feet of building can be built on any given parcel, is 0.4, meaning that for every 1,000 sq. ft. of parcel 400 sq. ft. of building can be built. Parking needs to be provided at a ratio of one space per three employees or three spaces per 1,000 sq. ft. of floor area, as determined by the Zoning Board, and parking must be at least 50 ft. from the boundary line of any other zoning district.

Per Section 9.M. of the Zoning Regulations, all development in C-D Districts, including alterations, need to undergo site plan review for as-of-right office uses by the Zoning Board, but are not subject to review by the Planning or any other Boards.

**Proposed Changes to the C-D Regulations:**

The proposed changes would modify the current C-D regulations as follows:

1. **Use.** The use of a Gymnasium or Physical Culture Establishment would be allowed by Special Exception only. This provision would require the reviewing Boards, in their approval findings outlined in Section 19.3 of the Zoning Regulations, to include traffic impacts and impacts on surrounding areas. This is not only a significantly higher standard for review than for as-of-right office development, but it also requires referral to the Planning Board, in addition to a *vote by the Zoning Board*. The proposed Text Change would also introduce a definition of "Gymnasium/Physical Culture Establishment" that currently does not exist. In addition, a Special Exception allows the reviewing Boards to impose conditions on development, for example hours of operation and screening or performance standards with regard to noise or light impacts.
2. **New development vs. Adaptive Reuse/Redevelopment.** The distinction between new development and adaptive reuse/redevelopment was added to the text based on comments from staff in order to clarify the standards applicable to both categories of development in the future for all C-D zoned sites. The proposed text defines 'New Development' as new construction on lots that are currently vacant or not fully built out without demolishing any existing structures. New developments will be required to abide by the existing C-D regulations with the addition of design guidelines and performance guidelines. Adaptive Reuse/Redevelopment is defined as reuse of an existing building for a purpose other than for which it was built or designed and/or expansion or replacement of existing floor area on a developed property. These sites will be required to abide by current C-D regulations with the

addition of additional standards relating to coverage, buffers, signage and parking as well as design and performance guidelines.

3. **Buffer/Screening.** The proposed Text Change would strengthen the overall yard requirements for the proposed new use, the Physical Culture Establishment. The 100 ft. setback from residential districts will be maintained, and better buffers than for office uses would be required. For example, in an office setting, a driveway could be located within the 50 ft. buffer, but not if the proposed use is a Physical Culture Establishment. The proposed text requires the buffer area to be landscaped in order to provide screening. In conjunction with the tools that are available to the Boards through a Special Exception, the Boards could, on a case-by-case basis pursuant to Section 19.3, establish even stricter screening and buffer requirements than proposed and that are required for an office use.
4. **Lot Coverage.** For legally conforming lots, an applicant would not be allowed to exceed the 40% permitted lot coverage for new or redevelopment. For legally non-conforming parcels, the proposed regulations would force the applicant to at least reduce the non-conformity if redevelopment as a Physical Cultural Establishment is proposed. An office use in an existing structure **would be allowed to operate** at the same level of non-conformity. While the goal of Zoning should be to achieve full conformity the proposal would at least improve the status quo, aligned with the City's goals of reducing surface water run-off.
5. **Parking.** The proposed regulation would not allow for a net increase in parking compared to what is currently on site. This limitation on parking has two effects. First, it limits the size of development to what currently exists on site, as the parking for Physical Cultural Establishments is the same as for office uses (3 spaces per 1,000 sq. ft. of building area). Second, it effectively prohibits new additional development of Physical Cultural Establishments in office parks where there are unused development rights left, as it limits the amount of parking to what is currently on site.
6. **Traffic.** Although the analogy is not perfect, parking is often used as a proxy for traffic generation. Since the parking requirements for this use are the same as for as-of-right permitted office use, a net increase in overall traffic is unlikely, although it needs to be studied for each individual proposed site. While an office use has pronounced peaks in the morning and evening weekday rush hours as people arrive and leave from work, it is to be expected that for a Physical Culture Establishment the peaks are less pronounced, but traffic overall more distributed (e.g., people arriving and leaving for a workout before or after work, weekend use).
7. **Signage.** Sign regulations in C-D Districts are already some of the most restrictive in any commercial district. The proposed regulation would allow more flexibility as to where signage is located with the important caveat that residential neighbors would be shielded from illuminated signs. It would also slightly relax regulations for ground or pole signs, which would most likely not impact neighbors as they would mainly serve for orienting users of the facility internal to the site.

8. **Design.** The Text Change establishes design guidelines for Physical Culture Establishments that would provide Boards with guidelines to evaluate specific development proposals for this use. These guidelines add an additional layer of protection to all new and reuse/redevelopment proposals in the future.
9. **Performance Guidelines.** The proposed text change added performance guidelines related to lighting, screening, noise and site plan design. These changes will ensure that any proposal for redevelopment will contain appropriate controls to minimize impacts to surrounding uses. A preliminary analysis of potential impacts and best practices related to lighting, noise attenuation, screening and site design were submitted by the applicant as part of a 'Qualitative Analysis' for the potential development in January 31, 2018.

### **Planning Board recommendations and subsequent revisions to the proposed text**

The Planning Board during its regularly scheduled meeting on Tuesday February 20, 2018 voted to deny application 217-01 with four recommendations while stating that the Board believed that use 'Gymnasium and Physical Culture Establishment' is appropriate. The applicant's response to the Planning Board recommendations and staff's comments related to the changes are listed below.

1. The Planning Board recommended removing the "and/or outdoor uses" from the new definition for Gymnasium and Physical Culture Establishment.

*The revised text retains the outdoor uses in the proposed definition of Gymnasium or Physical Culture Establishment. Staff believes that the retention of outdoor uses in the definition is appropriate because the definition will be applicable not only to CD district but other commercial and industrial districts which currently permit 'Gymnasium or Physical Culture Establishment'. Outdoor uses are an integral part of the Gymnasium and Physical Culture Establishment use and can be designed with adequate performance safeguards mentioned above related to noise, lighting and visual screening to avoid impacts on surrounding uses. Staff believes that the evaluation of compatibility of outdoor uses for High Ridge Park will be more appropriate in the context of the future Site Plan/Special Exception application rather than restricting the use in the text.*

2. The Planning Board recommended that the building be setback at least 100' from the property line regardless of the use.

*In response to this comment the applicant removed the proposed amendment to the yard requirement which would have allowed a 50' setback from non-residential uses in residential districts in lieu of 100' currently required. Staff believes that the current proposal adequately addressed the Planning Board's concern with regards to setbacks.*

3. The Planning Board expressed concerns about the location of the parking structure vis. a vis. residential areas and recommended siting standards.

*The revised text eliminates the building coverage exemption related to parking structures. The revised illustrative site plan also removed the parking structure from the proposal. The response from the applicant thus addresses the recommendation of the Planning Board. While a parking structure will still be permitted, the elimination of building coverage exemption for parking structures decreases the likelihood that a parking structure is proposed without further reducing the size of future development.*

4. The Planning Board recommended that the design guidelines for new structures also be applied to structured parking.

*The revised text amendment includes accessory structures (such as structured parking) in the language prescribing compatibility of the design of new developments with the color palette, materials, general massing and architectural features of the remaining architecture on the property. This change will broaden the scope of design review to any structured parking proposed in the future and hence addresses the Planning Board comment.*

#### **Traffic and Transportation**

Jim Travers in a letter dated March 23, 2017 made a note of data that would need to be provided at the time of a Special Exception/Site and Architectural Plan approval. He also noted that the applicant should work with the Traffic Transportation and Planning department regarding operational improvements to the intersection of Turn of River and Buxton Farms Road and beyond.

#### **Environmental Protection Board**

In a letter dated August 17, 2017 Richard Talamelli requested additional information from the applicant related to soils, assessment of significance of trees by an Arborist, sediment and erosion control, drainage and water quality reports, information regarding existing and proposed fuel storage requirements and advanced site development plans. Comments related to the site improvements will need to be addressed at the time of the Site Plan review.

#### **Engineering Department**

Susan Kisken, in a memo dated February 14, 2017 stated that the department had no objections to the proposal at this time. She recommended that the applicant minimize impervious coverage to the maximum extent possible to promote infiltration.

#### **Historic Preservation Advisory Commission**

A letter was received from the Historic Preservation Advisory Commission on March 14, 2018. The letter HPAC stated that they did not support the application and cited several reasons including those specific to High Ridge park - Building 3 was designed by a prominent architect as part of a cohesive office park, difficulty of designing a building which is compatible with the campus and the non-compatibility of the use and a parking garage with the campus. The Commission had other general comments regarding the consequences of the text amendment related to other office parks and appropriateness of the use. Staff believes that the comments

related to the specifics of High Ridge Park will be more relevant during review of the future Site and Architectural Plan/Special Exception application.

**Fire Marshall** The Fire Marshall in his letter dated March 9, 2017 stated that he had no concerns at this time.

**Western Connecticut Council of Government**

Jonathan Chew in an email dated February 22, 2017 stated that the application is of little inter-municipal interest and made no comments.

**WPCA**

The department had no comments on the text amendment.

Several public comments were received by email and mail both for and against the proposed application. These have been included in the application package mailed to the board.

**Staff Recommendations:**

Staff recommends approval of this Text Change application, based on the following considerations:

1. The proposed use is not less compatible with adjacent uses and residential areas than as-of-right permitted uses with the inclusion of additional controls provided by the performance standards.
2. The proposed Text Change establishes controls with regard to floor area ratio (FAR), coverage, parking, screening, and design for the proposed new use that are more restrictive than for as-of-right uses.
3. Through the Special Exception process established for the proposed use, the Land Use Boards have the ability to add additional conditions to protect neighboring uses, if necessary, as an additional safeguard that is not in place for as-of-right office uses.

# C-D Districts in Stamford in MP Cat 8



	① 800-900 Long Ridge Rd	② 777 Long ridge Rd	③ High Ridge Park	④ 120-260 Long Ridge Rd	⑤ 201-225 High Ridge Rd
main tenants	Nestle Waters NA	Synchrony Financial	various	GenRe Long Ridge Medical Stamford Hospital	Synapse
lot area acres	62	17	39	78	30
lot area sf	2,761,704	740,520	1,698,840	3,345,408	1,328,580
floor area sf	628,100	422,100	491,361	553,392	385,060
FAR	0.23	0.57	0.29	0.17	0.29
% built out	57%	143%	72%	41%	72%
building area sf	236,400	128,900	181,722	553,392	136,800
building cover cover	9%	17%	11%	7%	10%
Impervious area sf	739,954	414,691	849,652	74,7489	452,763
impervious cover	27%	56%	50%	22%	34%
employees	550	661	1300+		225
vacancy rate	50%	0%	20%*	75%	60%

\*Excludes Building 3 which is 100% vacant