

January 12, 2018

VIA HAND DELIVERY

Mr. James J. Lunney, III, R.A.  
Zoning Enforcement Officer  
City of Stamford  
888 Washington Boulevard  
Stamford, CT 06901

OK  
JLH  
1.24.18

needed by 27 "gymnasium" - a

Re: Life Time – Use Classification

Dear Mr. Lunney:

I represent High Ridge Real Estate Owner, LLC ("HRREO"), owner of property known as High Ridge Park in Stamford (the "Property"). HRREO has an Application for Change of Zoning Regulations currently pending with the Zoning Board (Appl. #217-01). Among other things, the proposal seeks to modify the C-D (Designed Commercial District) to permit a "Gymnasium or Physical Culture Establishment" as a principal use in the zone in order to facilitate a new Life Time on the Property. Life Time is a membership-based fitness, sports and recreational facility that offers cardiovascular and strength training, group fitness classes and lap pools as well as indoor basketball courts, children's programming, nutritional counseling, an outdoor leisure pool, café, spa and supportive office and administrative space. Use of the facility is restricted to members and guests. Typical floor plans are attached hereto for your reference (the "Floor Plans").

As you know, a "Gymnasium or Physical Culture Establishment" is not a defined use in the Stamford Zoning Regulations. However, based on your historical interpretation of this use, it is my understanding that Life Time would be classified as such. As you can see from the Floor Plans, the majority of the facility is dedicated to fitness, sports and recreational activities. The remainder of the space is dedicated to accessory uses such as child care, day camp, hair salon/day spa uses, medspa uses, weight loss/nutrition counseling, café (including liquors, subject to Section 14), physical therapy, medical office as well as the retail sale of health and fitness related apparel, merchandise and memberships (the "Accessory Uses"). Article II, Section 3-A-2 of the Stamford Zoning Regulations defines an "accessory use" as: *An accessory building or use is one which is subordinate and customarily incidental to the main building or use on the same lot...* Thus, in order for a use to qualify as accessory, one must demonstrate that said use is not the primary or dominant use and that it is a natural part of the principal use.

The Stamford definition of accessory use was discussed in Alvord Investment, LLC v. Zoning Board of Appeals of City of Stamford, 282 Conn. 393 (2007). In that case, the court was asked to consider whether a store that would be used for food, storage, store operations, nonfood, utility, a bank

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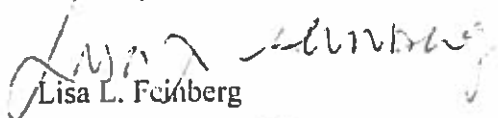
and a pharmacy qualified as a "Food Shops, Retail" under the Stamford Zoning Regulations. However, because "Food Shops, Retail" is not a defined term in the Zoning Regulations, the court looked to you to understand the pattern of past practice. You explained that you arrived at your decision by analyzing the square footage and shelf space allocated to food and nonfood related items and services. After reviewing this information, you were convinced that the sale of food was the dominant use and found that the proposed use qualified as "Food Shops, Retail." The court agreed.

Like the use in Alvord, "Gymnasium or Physical Culture Establishment" is not a defined term in the Stamford Zoning Regulations. As noted in Alvord, in such instances, you must determine the use classification based on the majority of the use. In this case, the Accessory Uses are clearly ancillary to the fitness, sports and recreational uses in terms of square footage. In a typical Life Time, approximately seventy-five percent (75%) of the facility is dedicated to fitness, sports and recreational activities with the remaining twenty-five percent (25%) dedicated to the Accessory Uses. Thus, in terms of square footage, fitness, sports and recreational uses are clearly dominant.

If you agree that a Life Time, as described above, should be classified as a "Gymnasium or Physical Culture Establishment", I kindly request that you confirm same by countersigning below. In doing so, please understand that my client will rely on your approval as it moves forward with the Zoning Board approval process.

As usual, thank you for your attention and assistance with this matter.

Sincerely,

  
Lisa L. Feinberg

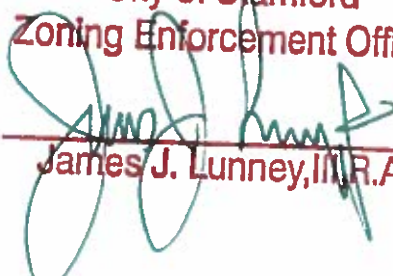
Enclosures

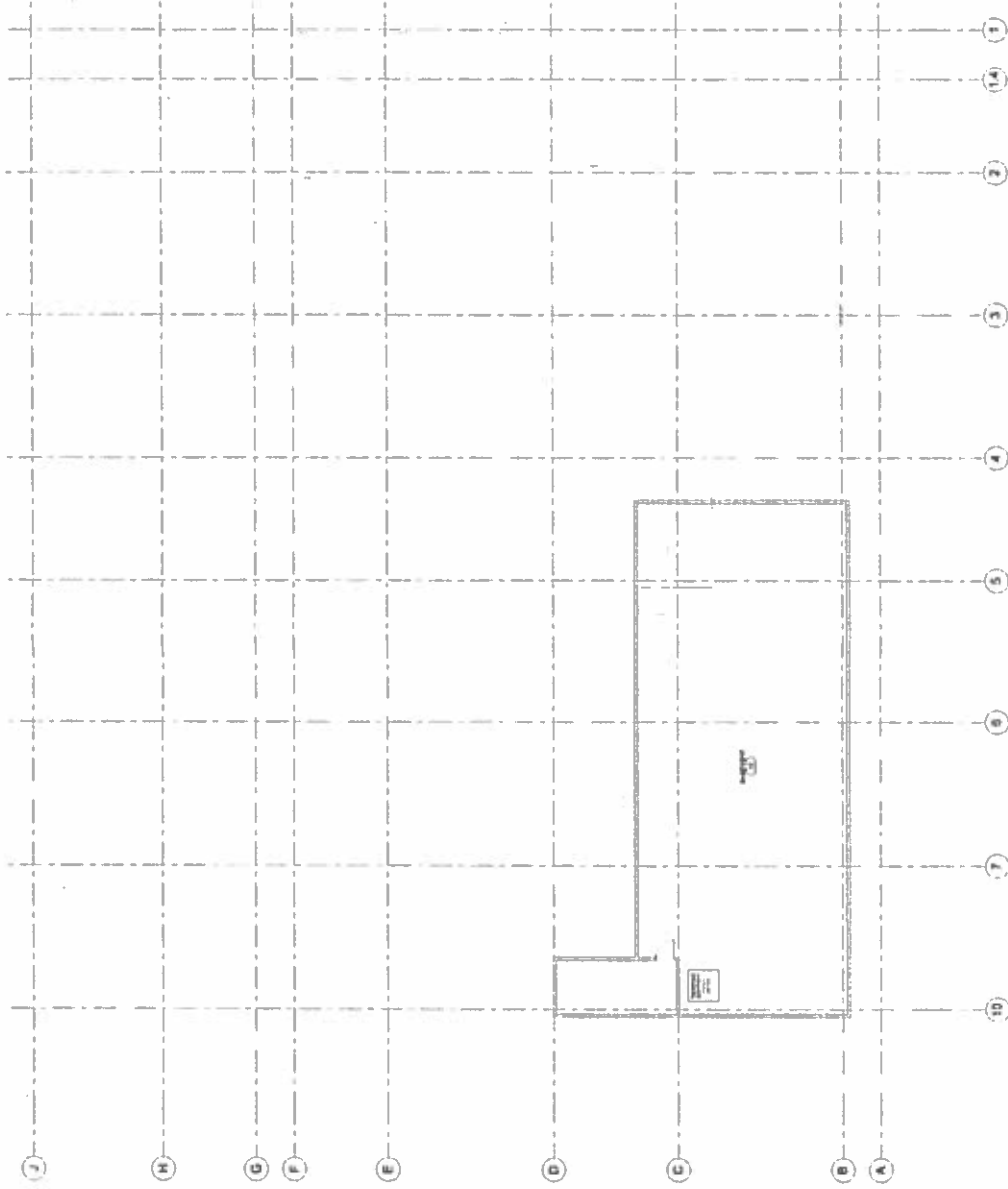
cc: Ralph Blessing, AICP

AGREED TO:

\_\_\_\_\_  
James J. Lunney, III, R.A.  
Zoning Enforcement Officer

Date: \_\_\_\_\_

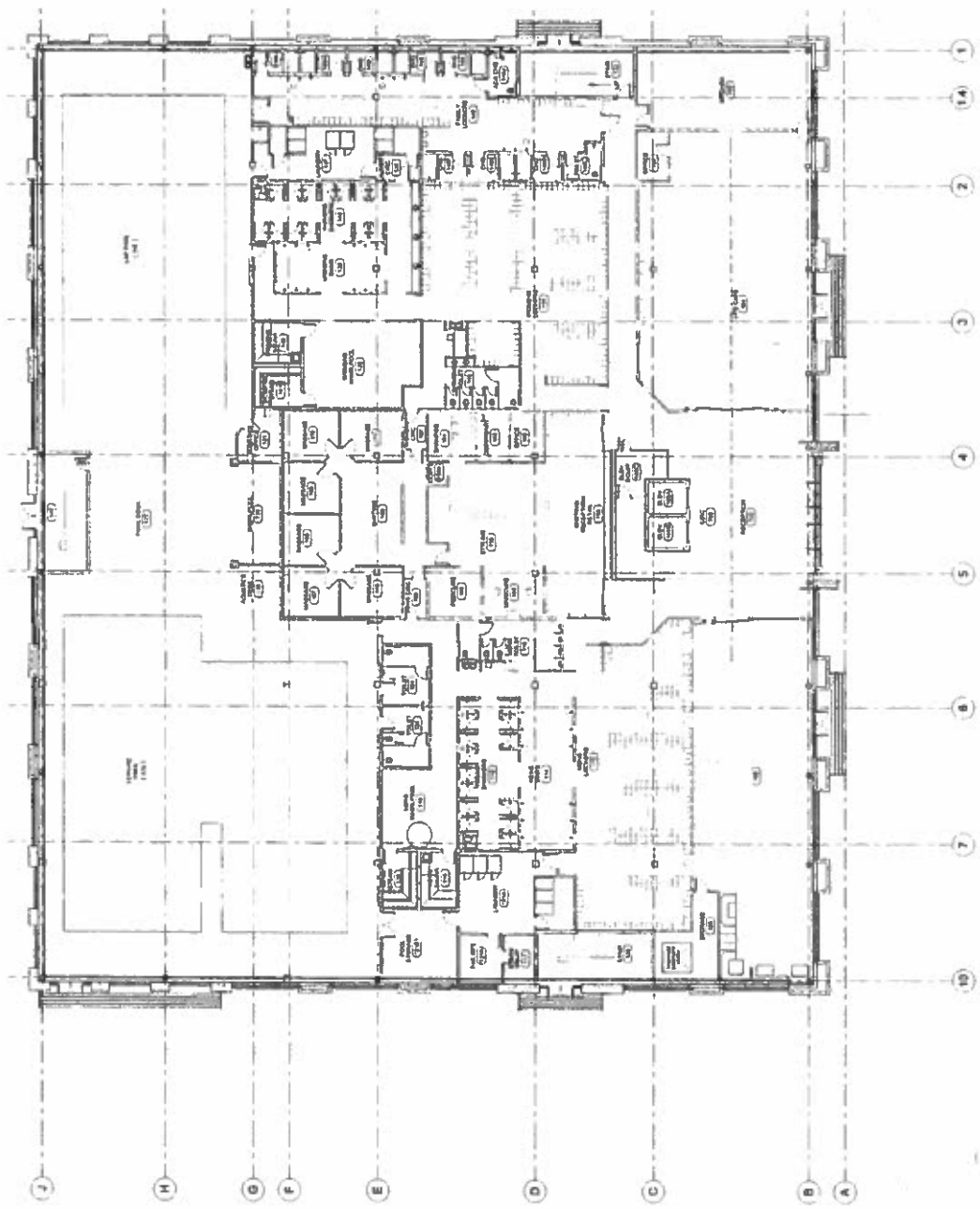
**APPROVED**  
City of Stamford  
Zoning Enforcement Officer  
  
James J. Lunney, III, R.A. 1/29/18



STAMFORD, CT

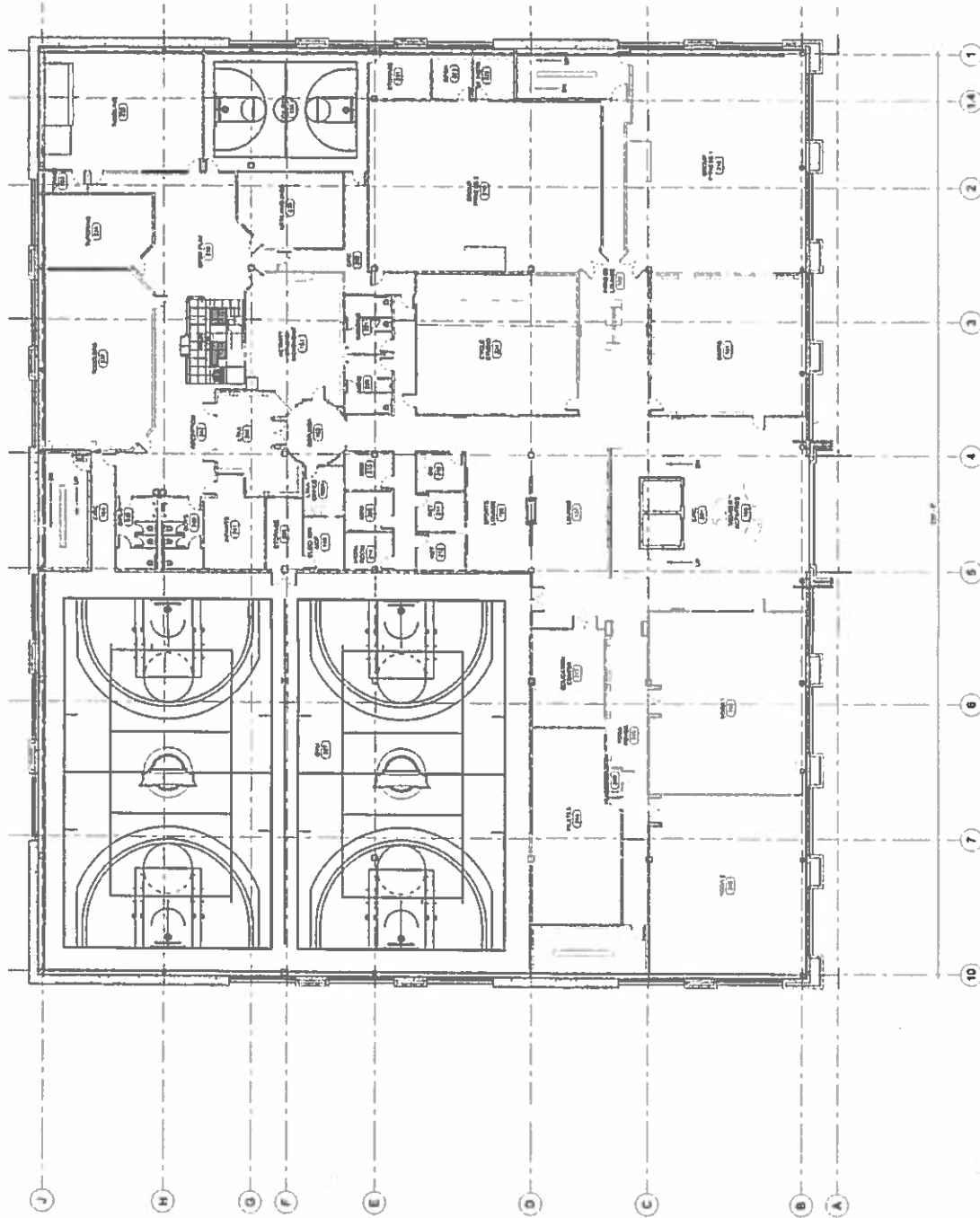
CONCEPTUAL PLAN - BASEMENT  
JUNE 2017





STAMFORD, CT

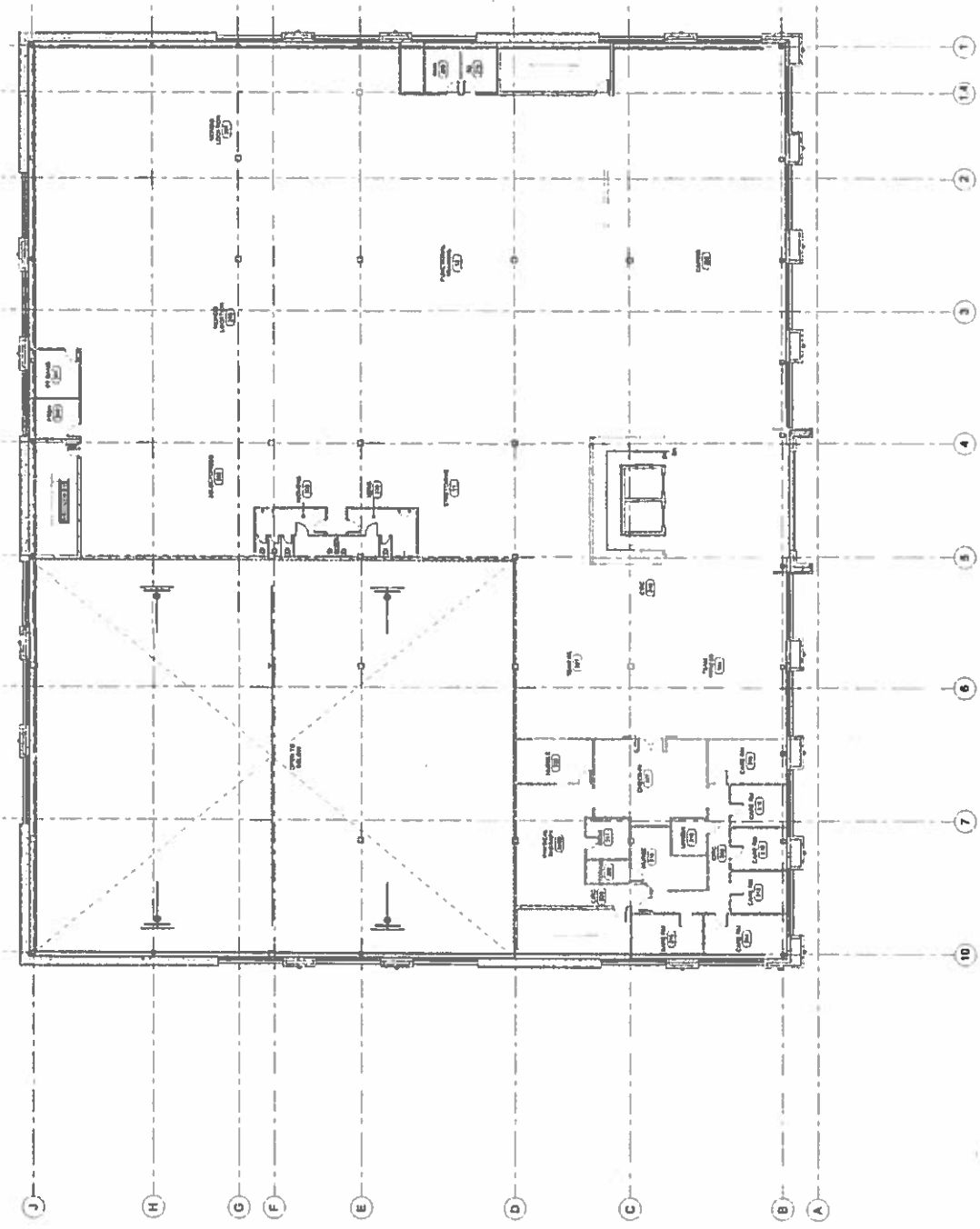
CONCEPTUAL PLAN - 1ST FLOOR  
JUNE 2017



STAMFORD, CT

CONCEPTUAL PLAN - 2ND FLOOR  
JUNE 2017





STAMFORD, CT

CONCEPTUAL PLAN - 3RD FLOOR  
JUNE 2017



**LIFE TIME**  
HEALTHY WAY OF LIFE