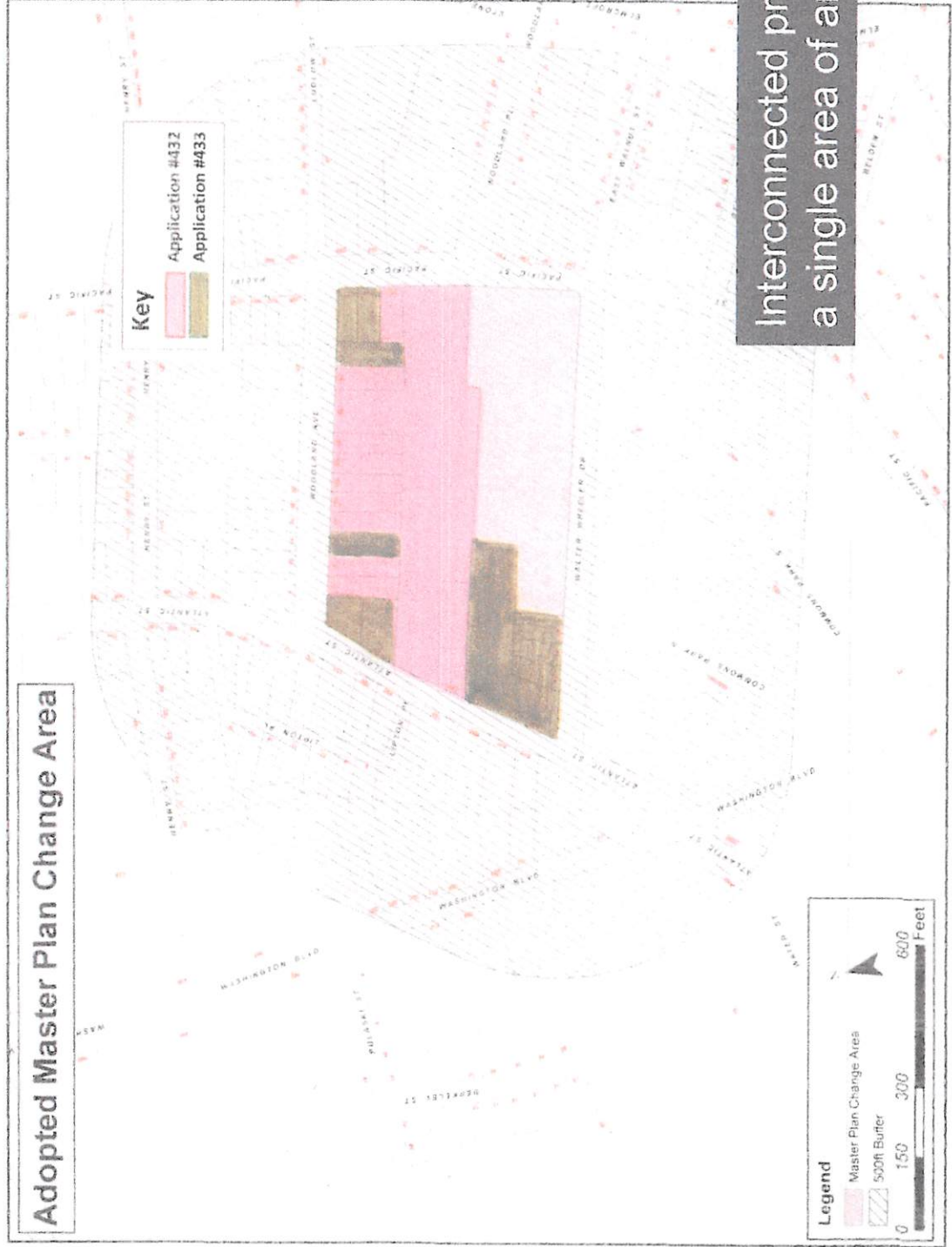


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SOUTH END MASTER PLAN AMENDMENT APPEAL TO BOR

Presented by South End NRZ/Carmine Tomas
2/11/2019

Overview of Master Plan Change Area



% of Petition Signers Exceeds Charter Criteria

Owner #	Property Address	Owner Name	Principal(s)/Owners	Validated
1	804 Atlantic Street	Holy Name Athletic Club	John O Rzechowski	
2	784 Atlantic Street	Estate of Joseph Pawlink		
	780 Atlantic Street	Estate of Joseph Pawlink		
3	13 Woodland Avenue	Neighborhood Housing Services	Nydia Brown, Executive Director	X
4	43 Woodland Avenue	Katchko Properties	Robert Katchko, Managing Member	X
5	705 Pacific Street	Carmelo Tomas et al	Carmelo, Carmine, Maria & Elisabeth Tomas	X
	701 Pacific Street	Carmelo Tomas et al	Carmelo, Carmine, Maria & Elisabeth Tomas	
6	20 Walter Wheeler Drive	Leslaw Duda	Leslaw Duda	
7	18 Walter Wheeler Drive	Estelle McCauley et al	Estelle McCauley, M Patchett, et al	
8	12 Walter Wheeler Drive	12 WWD LLC	Harbor Point Holding Company LLC	
9	796 Altantic Street	Walter Wheeler Drive SPE LLC	Harbor Point Holding Company LLC	
10	5 Woodland Avenue	5-9 Woodland Avenue LLC	Harbor Point Holding Company LLC	
	9 Woodland Avenue	5-9 Woodland Avenue LLC	Harbor Point Holding Company LLC	
11	17 Woodland Avenue	Woodland Pacific LLC	Harbor Point Holding Company LLC	
	21 Woodland Avenue	Woodland Pacific LLC	Harbor Point Holding Company LLC	
	23 Woodland Avenue	Woodland Pacific LLC	Harbor Point Holding Company LLC	
	25 Woodland Avenue	Woodland Pacific LLC	Harbor Point Holding Company LLC	
	29 Woodland Avenue	Woodland Pacific LLC	Harbor Point Holding Company LLC	
	39 Woodland Avenue	Woodland Pacific LLC	Harbor Point Holding Company LLC	
	41 Woodland Avenue	Woodland Pacific LLC	Harbor Point Holding Company LLC	
	707 Pacific Street	Woodland Pacific LLC	Harbor Point Holding Company LLC	

- 11 property owners in the area of the amendment*
- Signatures of 3 owners were validated by V. Rosenson, representing 27% of owners in the area of the amendment

* Rosenson memo misrepresents owner of 701 Pacific Street as 699 Pacific LLC. Deed provided for the record.

Charter Requirement: 20% of owners in the area of the Master Plan amendment

Why the Appeal Must Include Both MP Change Applications

There is only one area that was amended, requiring a comprehensive review, according to:

1. The map (see slide/page 2)

2. The Land Use Department

- See City Planner David Woods' Nov. 21st Staff Report to Planning Board; pp 1,4, & 8 (Exhibit 1)

Note: The Planning Board submitted an application (App. 433) to ensure that the whole block was assessed, not just BLT parcels

3. The Planning Board

- See Jan. 2nd minutes (Exhibit 2): All properties in the entire area are to be included in the review; none to be omitted; all parcels are in a single "block"

Why the Appeal Must Include Both MP Change Applications

There is only one area that was amended and it required a comprehensive review.

- See Nov. 15 letter to abutters from BLT attorney William Hennessey (Exhibit 3)
- In Nov. 27 presentation to the Planning Board, Attorney Hennessey said:

*“...we should be looking at the entire block ...
The applications are really companion applications
because they deal with the same block and they
both deal with both sides of the block.”*

Standard for BOR appeal: C6-40-1

Sec. C6-30-7. - Referral to Board of Representatives by Opponents of Proposed Amendments.

If twenty (20) percent or more of the owners of the privately-owned land in the area included in any proposed amendment to the Master Plan, or the owners of twenty (20) percent or more of the privately-owned land located within five hundred (500) feet of the borders of such area, file a signed petition with the Planning Board within ten days after the official publication of the decision thereon, objecting to the proposed amendment, then said decision shall have no force or effect but the matter shall be referred by the Planning Board to the Board of Representatives within twenty days after such official publication, together with written findings, recommendations and reasons. ...



**City of Stamford
Planning Board**

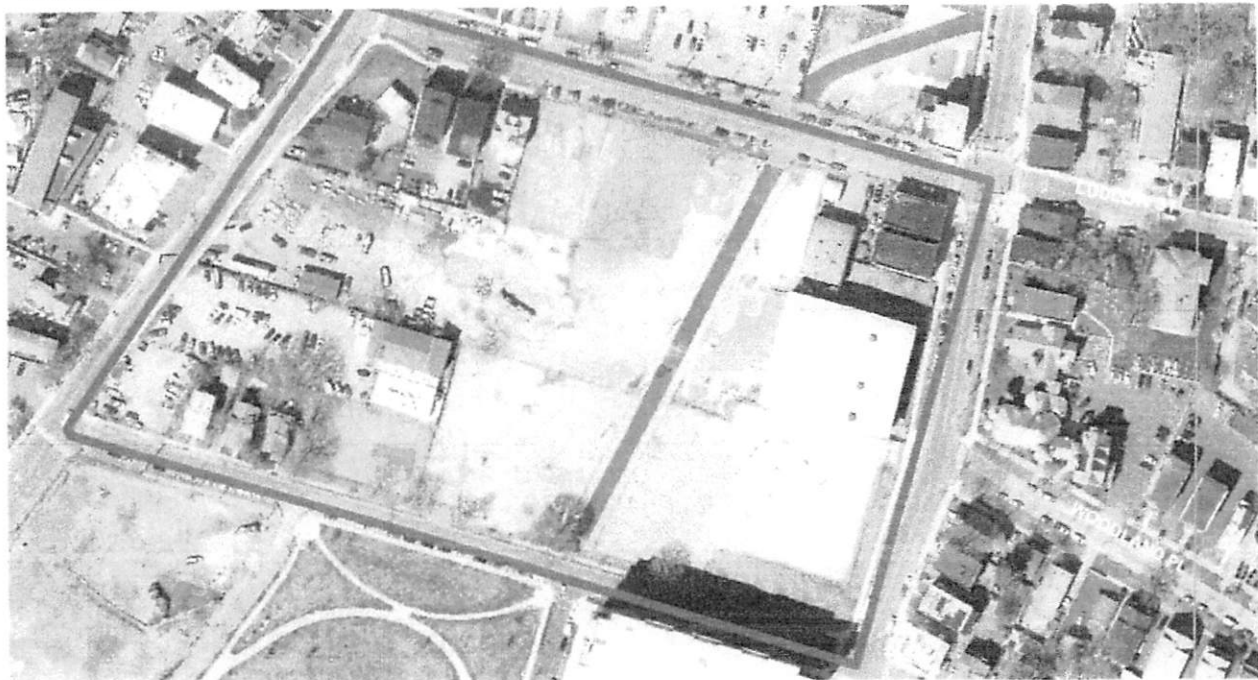
STAFF REPORT

TO: CITY OF STAMFORD PLANNING BOARD
FROM: DAVID W. WOODS, PhD, AICP, DEPUTY DIRECTOR OF PLANNING
SUBJECT: MP-432 & MP-433: APPLICATION FOR AMENDMENTS OF THE STAMFORD MASTER PLAN MAP - PACIFIC STREET, WOODLAND AVENUE, ATLANTIC STREET & WALTER WHEELER DRIVE
DATE: November 21, 2018

MASTER PLAN: MP Category 4 (Residential - Medium Density Multifamily), MP Category 6 (Commercial - Neighborhood), and MP Category 9 (Urban Mixed-Use)

INTRODUCTION

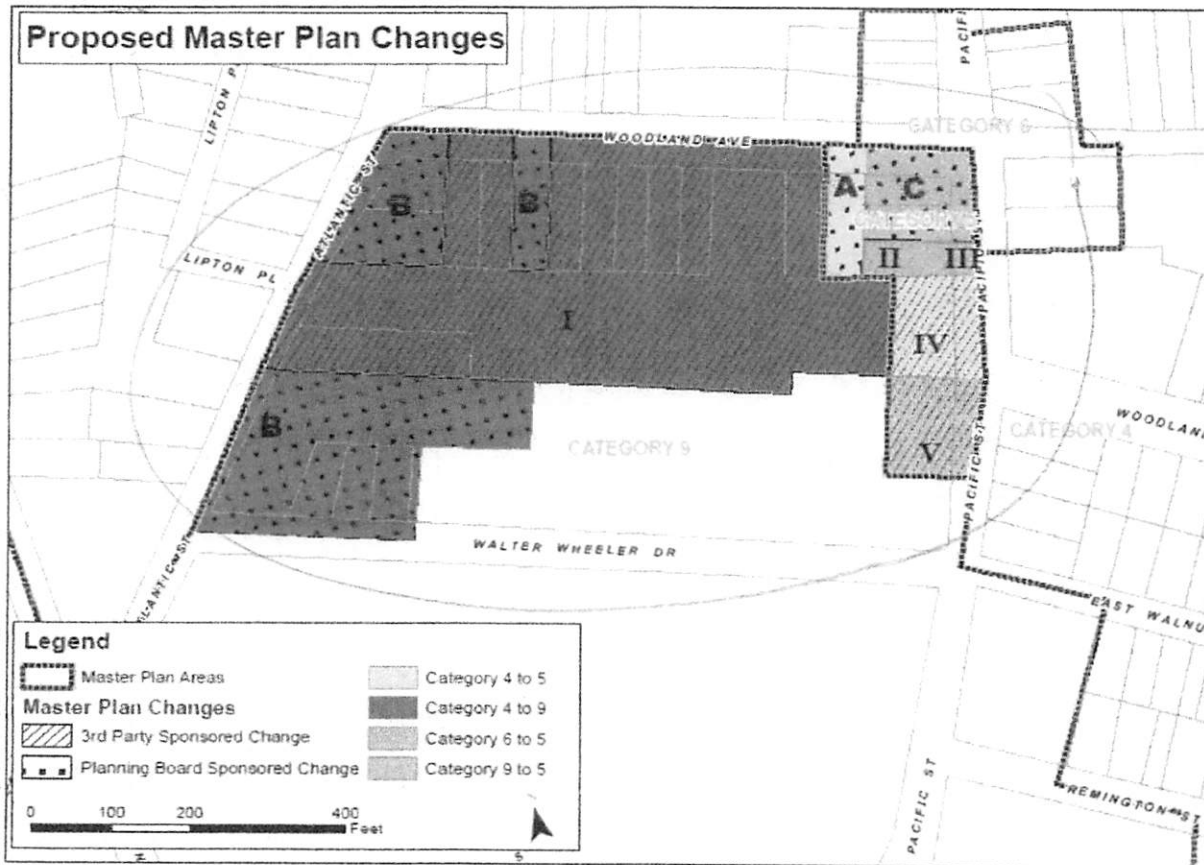
The subject area encompasses the block bound by Woodland Avenue, Atlantic Street, Pacific Street and Walter Wheeler Drive. The block is located immediately north of Commons Park in Harbor Point. Roughly a quarter of the block in the southeast corner adjacent to Harbor Point is currently already under Master Plan Category 9: Urban Mixed-Use. The remainder of the block is under Master Plan Category 4: Residential - Medium density multifamily with a small portion on the north east corner under Category 6: Commercial - Neighborhood Business.



BACKGROUND:

1. Existing conditions:

- a) The area proposed for Master Plan Category change by the applicant is currently vacant. It was formerly occupied by a garbage carting operation (B & S Carting). Prior to the carting operation, the site was occupied by Excelsior Hardware (lock manufacturing). The industrial uses of the site resulted in the contamination of the



soil, which will require significant remediation. For over fifty years, residents of the South End advocated for both of these heavy industrial uses to be moved elsewhere in the City outside of the South End.

- b) The remainder of the block includes a total of nine multifamily buildings on portions of Woodland Avenue, Walter Wheeler Drive and Atlantic Street. Three of these residential buildings were converted from single-family to multifamily. The two multifamily residences on the corner of Woodland Avenue and Pacific Street have ground floor neighborhood retail uses including a bodega, deli and a beauty salon. Industrial uses on the site include an auto body shop at the corner of Atlantic Street and Woodland Avenue and an air-conditioning business on Atlantic Street, north of Walter Wheeler Drive.

- *Orienting the towers away from Pacific Street, such that the towers would face inward towards the Commons Park South and Walter Wheeler Drive.*
- *Providing five (5) stories of residential housing along Pacific Street. This provides “eyes on the street” as requested by the South End NRZ and a lower scale along Pacific Street as requested by the Land Use Bureau staff.*
- *Creating open and attractive streetscapes with enhanced landscaping, lighting and pedestrian paths. On-street parking is also being added on the southern portion of Pacific Street and along the South Commons Road extension.*
- *Applicant was requested to provide a minimum distance between towers of 100 ft. Applicant is providing 136 ft. of separation distance which preserves the view corridor and allows light to flow through the taller portions of the building.*
- *The street-level building design along Walter Wheeler Drive was reworked to include residential units and reduce the amount of requisite inactive space.*
- *All BMR units are to be provided on-site.*



The original proposal for the tallest building to be placed on the corner of Walter Wheeler Drive and Pacific Street; however, staff in working through what could be proposed, strongly suggested that the applicant relocate the 22-story tower some distance from Pacific Street and re-orient the building to face Commons Park, thereby, connecting this parcel to the rest of the Harbor Point community.

d) If the Board was going to amend the Master Plan shouldn't the Planning Board assess the whole block [Atlantic Street, Pacific Street, Walter Wheeler Drive and Woodlawn Avenue] and not just the parcels that the applicant now owns?

Staff Comment: Actually, this suggestion was first raised by Marty Levine and the DSSD at the June 27, 2017 public hearing and staff concurred, which is why the LUB is proposing that if the Planning Board approves the applicant's request to amend the Master Plan categories that the Board also amend the remaining three parcels as suggested by staff.

4. Density, Height and Design:

- a) The applicant is proposing to build at a higher density on the Pacific Street and Walter Wheeler Drive section of their acquired holdings away from the Atlantic Street side of this parcel. This is deliberate for the following reasons:

**STAMFORD PLANNING BOARD
APPROVED MINUTES - WEDNESDAY, JANUARY 2, 2019
REGULAR MEETING
GOVERNMENT CENTER - 4TH FLOOR CAFETERIA
888 WASHINGTON BLVD., STAMFORD, CT**

Stamford Planning Board Members present were: Voting Members: Theresa Dell, Chair; Jay Tepper, Vice Chair; Michael Buccino, Jennifer Godzeno (arrived at 6:40 p.m. / left at 9:15 p.m.) and Michael Totilo. Alternates: Claire Fishman, William Levin and Roger Quick. Present for staff: David W. Woods, PhD, AICP, Deputy Director of Planning.

Ms. Dell called the meeting to order at 6:30 p.m. and introduced the members of the Board and staff present and introduced the first item on the agenda.

Ms. Dell began by explaining that the stenographer had not arrived yet for the Planning Board discussion on the Master Plan Amendment and it may not be the second item on the agenda as the Board would like to have that discussion officially recorded. Ms. Dell stated the two Zoning Board referrals would be taken out of order to allow time for the stenographer to arrive and setup. Ms. Dell reminded those in attendance that the public portion of the Public Hearing was closed and no further public input would be allowed but that any letters submitted between November 27, 2018 and today would be included for the record. (*Attachment #1*)

REQUEST FOR AUTHORIZATION

SUPPLEMENTAL CAPITAL PROJECT APPROPRIATION REQUEST:

STREET PATCH & RESURFACING - PROJECT #C56182: Paving contributions related to water main installation projects completed by Aquarion Water Company in 2018. The contributions are associated with the following streets: Orchard Street, Taff Avenue, Homestead Avenue, Schuyler Avenue, Stillwater Avenue, Newfield Avenue and Berrian Road. The contributions cover costs for milling, paving (2 inches), line stripping, traffic control, inspection and the administrative fee requested by the City of Stamford. Unit costs were based on the City of Stamford 2018 paving contract and a 5 to 7% increase to account for any changes to costs that could be incurred by the City during paving in 2019. After a brief discussion, Mr. Levin recommended approval of the Capital Project Closeout Recommendations for Project #CP3680 & #CP7150 and this request has been reviewed pursuant to Connecticut General Statute Section 8-24 and Section C6-30-13 of the City Charter and finds this request to be consistent with CGS Section 8-24, and the City Charter Section C6-30-13, as well as consistent with the adopted 2015 Master Plan; Mr. Tepper seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Levin, Tepper and Totilo).

Ms. Dell called for a motion to bring forward the two Zoning Board referrals. Mr. Tepper made a motion to bring forward ZB Referral Application #218-63 and #218-47; Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

ZONING BOARD REFERRALS:

1. **ZB #218-63 - RICHARD W. REDNISS (22 1ST CORP.) - Text Change:** Applicant is proposing to amend Appendix B, Footnote 23 by adding Item (9) to amend Special Exception standards related to hotel use in CC-N District when incorporating historic buildings. Mr. Richard Redniss, of Redniss & Mead, will make a brief presentation (no more than 10 minutes) on the applicant's proposal to amend Appendix B, Footnote 23 by adding Item (9) to amend Special Exception standards related to hotel use in CC-N District when incorporating historic buildings. The application includes Demonstration Site plans for 160 Atlantic Street - the former First County Bank building that abuts Veterans Memorial Park. After a brief discussion, Ms. Godzeno recommended *approval* of *ZB Application #218-63* with the recommendation the proposed change to Appendix B, Footnote 23(9)(a) "façade features including balconies and façade articulation, but excluding other occupiable Floor Area, may extend over any public property" be moved to Footnote 23(4) and that this request is compatible with the neighborhood and consistent with Master Plan Category #11 (Downtown); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

- .2. ZB #218-47 - MR. & MRS. MATTHEW REINHARD - 32 PULASKI STREET - Site & Architectural Plans and/or Requested Uses, Special Exception and Coastal Site Plan Review:** Applicant is requesting a Special Exception pursuant to Section 7.3 (Bonus for Historic Buildings) to convert the first floor warehouse into residential. Property is located within the R-MF Zone. The applicant is requesting an historic building bonus as per Section 7.3 to convert a first floor warehouse into residential space at 32 Pulaski Street. After a brief discussion, Mr. Tepper recommended approval of ZB Application #218-47 and that this request is compatible with the neighborhood and consistent with Master Plan Category #14 (Open Space - Public Parks); Mr. Buccino seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

PLANNING BOARD DISCUSSION - MASTER PLAN AMENDMENT:
(Continued from the November 27, 2018 Public Hearing)

Ms. Dell opened the discussion on Master Plan Amendments #MP-432 (The Strand/BRC Group, LLC; 5-9 Woodland Avenue, LLC; Woodland Pacific, LLC and Walter Wheeler Drive SPE) and #MP-433 (The City of Stamford Planning Board) and explained that this is a continuation from the Public Hearing held on November 27, 2018 where the applicants presented their proposals and the public was allowed to come before the Board. Ms. Dell stated again that the public portion of the hearing was closed at that time and no further input from the public would be allowed and this would be a discussion for the Planning Board only. The Alternates would be included in the initial discussion but once it has been decided no further discussion is required from the entire Board that portion would be closed and any final discussion for rendering a decision would be limited to the five voting members. Dr. Woods made a brief presentation summarizing both applications.

Ms. Dell mentioned stated that at the November 27, 2018 Public Hearing Mr. Robert Katchko, owner of 43 Woodland Avenue (Property A), had requested to remain in Master Plan Category 4. In addition, Mr. Carmine Tomas, owner of the building at 701 & 705 Pacific Street, who had spoken at the November 27, 2018 Public Hearing, and was asked by the Planning Board if he would like to remain in Category 6 or be included in the change to Master Plan Category 5. Ms. Dell asked Mr. Tomas to clarify if he would like to remain in Master Plan Category 6.

Ms. Dell began the discussion on Master Plan Amendments #MP-432 & #MP-433.

The first element the Planning Board discussed was whether to include all of the properties in the Master Plan, which is a 10 year projection, and not omit any of the parcels.

The Planning Board discussed both Amendments as they are companion applications. However, the Board's recommendation for approval was separate.

After approximately two (2) hours of discussion, the Board reached a consensus on the following:

- a. All parcels are included in the block as surrounded by Atlantic Street, Woodland Avenue, Pacific Street and Walter Wheeler Drive. This includes 43 Woodland Avenue and 701 & 705 Pacific Street;
- b. The Board concluded that Master Plan Category 9 (Urban Mixed-Use) with a density of 162 units per acre was too intense for this area where the Board has consistently argued is an area that should have a clear step-down from the Harbor Point development, and
- c. The Board concurred (mostly) that instead of Master Plan Category 5 & 9 for the parcels requested the Board adopted Master Plan Category 5 for all of the parcels and rejected the request by the applicant to amend Parcel V to Master Plan Category 5 from Master Plan Category 9.

Upon completion of the discussion, the Planning Board made two (2) motions of approval; one for each application.

1. **MASTER PLAN AMENDMENT #432 - THE STRAND/BRC GROUP, LLC; 5-9 WOODLAND AVENUE, LLC; WOODLAND PACIFIC, LLC and WALTER WHEELER DRIVE SPE, LLC - 707 PACIFIC STREET; 5, 9, 17, 21, 23, 25, 29, 39 & 41 WOODLAND AVENUE; 796 ATLANTIC STREET and PARCELS C1 & C2 IN THE HARBOR POINT PLANNED COMMUNITY - Map Change:** Applicant is proposing to change the Master Plan designation of certain parcels from Master Plan Category #4 (Residential - Medium Density Multifamily); Master Plan Category #6 (Commercial - Neighborhood Business) and Master Plan Category #9 (Urban Mixed-Use) to Master Plan Category #5 (Residential - High Density Multifamily) and Master Plan Category #9 (Urban Mixed-Use). After considerable discussion, Mr. Tepper *approved* Master Plan Amendment #MP-432; Mr. Buccino seconded the motion and passed with eligible members voting, 4-0-1 (Dell, Buccino, Tepper and Totilo / Godzeno Abstained).

2. **MASTER PLAN AMENDMENT #433 - STAMFORD PLANNING BOARD - 701 & 705 PACIFIC STREET; 13 WOODLAND AVENUE; 0, 784 & 804 ATLANTIC STREET and 12, 18 & 20 WALTER WHEELER DRIVE - Map Change:** The Stamford Planning Board is proposing to amend the City of Stamford Master Plan Map to change a portion of properties currently located in Category #4 (Residential - Medium Density Multifamily), Master Plan Category #6 (Commercial - Neighborhood) and Master Plan Category #9 (Urban Mixed-Use) to Master Plan Category #5 (Residential - Medium Density Multifamily) and Master Plan Category #9 (Urban Mixed-Use). After considerable discussion, Mr. Tepper *approved* Master Plan Amendment #MP-433; Mr. Buccino seconded the motion and passed unanimously with eligible members voting, 5-0 (Dell, Buccino, Godzeno, Tepper and Totilo).

ZONING BOARD OF APPEALS REFERRALS:

1. **ZBA #001-19 - STORAGE WORKS, LLC - 370 WEST MAIN STREET - Variance of Table II, Appendix A and Section 12-I:** Property contains an existing 5-story building totaling approximately 59,000 sq. ft. of Zoning Floor Area (62,335 sq. ft. Gross Floor Area per Tax Assessor records) with a mix of uses including storage/warehouse, amusements, office, retail and a Police substation. Applicant is proposing to convert the majority of the building to a self-storage use and maintain the existing occupied retail space and the Police substation. Applicant is requesting: (1) allowance to use #164.1 (Self-Storage Facility) in the C-L Zone; and (2) allow the continued use of the R-5 portion of the property for parking in support of commercial uses located in the existing building on the same lot.

Property contains an existing 5-story building totaling approximately 59,000 sq. ft. of Zoning Floor Area (62,335 sq. ft. Gross Floor Area per Tax Assessor records) with a mix of uses including storage/warehouse, amusements, office, retail and a Police substation. Applicant is proposing to convert the majority of the building to a self-storage use and maintain the existing occupied retail space and the Police substation. Applicant is requesting: (1) allowance to use #164.1 (Self-Storage Facility) in the C-L Zone; and (2) allow the continued use of the R-5 portion of the property for parking in support of commercial uses located in the existing building on the same lot. By reducing the parking requirement of the building by over 75%, the proposed Self-Storage use will eliminate an existing parking nonconformity of 65 spaces, as well as include other aesthetic enhancements to the site and building facades.

After a brief discussion, Mr. Buccino recommended *approval* of *ZBA Application #001-19* and that this is compatible with the neighborhood and consistent with Master Plan Category #6 (Commercial - Neighborhood); Mr. Totilo seconded the motion and passed unanimously with eligible members present voting, 5-0 (Dell, Buccino, Fishman, Levin and Tepper).

2. **ZBA #002-19 - JOHN LeBOUTILLIER - 2285 SHIPPAN AVENUE - Variance of Article III, Section 6-A:** Applicant owns a single-family home with detached garage and is proposing to install an in-ground pool adjacent to an existing stone patio. Applicant is requesting permission for an accessory structure (in-ground pool) in a front yard. The proposed pool will meet all setback requirements. Applicant owns a single-family home with detached garage and is proposing to install an in-ground pool adjacent to an existing stone patio.



William J. Hennessey, Jr.
Partner
Direct: 203.425.4200
Fax: 203.325.8608
whennessey@carmodylaw.com

707 Summer Street
3rd Floor
Stamford, CT 06901

November 15, 2018

Re: Application for an Amendment of the Stamford Master Plan (MP-432)
707 Pacific Street; 5, 9, 17, 21, 23, 25, 29, 39 and 41 Woodland Avenue; 796 Atlantic Street
and portions of Parcels C1 and C2 in the Harbor Point Planned Community, Stamford, CT

Dear Neighboring Property Owner:

I am writing on behalf of my clients, The Strand/BRC Group LLC, 5-9 Woodland LLC, Woodland Pacific LLC and Walter Wheeler Drive SPE LLC (collectively the "Applicant"), owners of property known as 707 Pacific Street; 5, 9, 17, 21, 23, 25, 29, 39 and 41 Woodland Avenue; 796 Atlantic Street and portions of Parcels C1 and C2 in the Harbor Point Planned Community, Stamford, Connecticut. (collectively, the "Property"). The Applicant recently filed an Application for an Amendment of the Stamford Master Plan. This is the first of several applications required to facilitate the redevelopment of the Property.

The area that is subject to the proposed Master Plan amendment consists of approximately 5.32± acres and is generally bounded by Woodland Avenue to the north, Pacific Street to the east, Walter Wheeler Drive to the south and Atlantic Street to the west. An exhibit depicting the area to be changed is attached for your reference. The Property is the former site of B&S Carting, one of the most noxious uses in Stamford for decades. It has long been targeted for environmental remediation and redevelopment. The proposed Master Plan amendment is an important first step in accomplishing this goal.

The first phase of the contemplated redevelopment would take place on the east side of the Property. As proposed, it would consist of a multifamily building with 540 dwelling units, resident amenity space, publicly accessible open space and related parking and site improvements. The Below Market Rate unit requirement for the proposal would be satisfied onsite. If the Master Plan amendment is approved, applications related to this redevelopment will be heard by the Planning and Zoning Boards in the coming weeks, and you should expect to receive notice related to those applications in the near future.

You may also be receiving a similar notice from the City of Stamford related to a separate application to redesignate the Master Plan categories for other properties on this block. The City's application is proposed in conjunction with the Applicant's Master Plan amendment application to ensure a comprehensive review of the area. Notably, the proposed changes will provide the owners of these properties with increased flexibility for the future without negatively impacting any existing use.

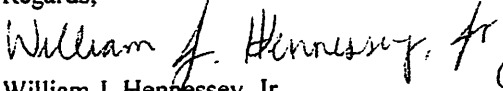
Because you own property in close proximity to the property that is the subject of this application, the Planning Board requires that you be notified of the fact that the Planning Board will hold a public hearing on **Tuesday, November 27, 2018, at 7:00 p.m.** in the Cafeteria on the 4th floor of the Government Center Building, located at 888 Washington Boulevard, Stamford, Connecticut. The hearing may be continued to another time and any information relative to any continuation will be announced by the Zoning Board at the November 27th public hearing.

Should you have any questions, please feel free to contact me at your convenience, or if you prefer, you may review the Stamford Planning Board file containing the complete application which is available for carmodylaw.com

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inspection during regular business hours at its office on the 7th floor of the Government Center Building, 888 Washington Boulevard, Stamford, Connecticut.

Regards,


William J. Hennessey, Jr. (LLP)

Encl.

cc: Ralph Blessing, Land Use Bureau Chief *via email: RBlessing@StamfordCT.gov*
David Woods, Deputy Director of Planning *via email: DWoods@StamfordCT.gov*