


City of Milford, Connecticut

MEMORANDUM

TO: Karen Fortunati, City Clerk

FROM: David B. Sulkis, City Planner 

DATE: March 13, 2023

Re: **Text Changes to the City of Milford Zoning Regulations**

At its meeting held March 7, 2023, the Planning and Zoning Board approved the following text regulation changes to the Milford Zoning Regulations.

Please see ATTACHMENT A, Amendment 23-1

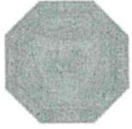
Article III, Section 3,18 Corridor Design Development District 3 – Bridgeport Avenue Design Corridor District; CDD-3 Section 3.18.2, Special Uses

This regulation change becomes effective on March 31, 2023.

Distribution

Mayor Benjamin Blake
Zoning Board of Appeals
Zoning Enforcement Officer
Director of Public Works
City Attorney
City Clerk
Joseph Griffith, DPLU
Engineering Department

Library
Community Development
Sewer Commission
Assessor
Conservation Commission
Inland Wetlands Office
Harbor Management Commission



City of Milford, Connecticut

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Department of Permitting
and Land Use

David B. Sulkis,
City Planner

Amendment #23-1

TO: South Central Regional Council of Governments
 Greater Bridgeport Regional Planning Council
 City Attorney, City of Milford
 State of CT DEEP
 City of West Haven, City Clerk
 Town of Stratford, City Clerk
 Town of Orange, City Clerk

FROM: John Knuff, Esq.; Hurwitz, Sagarin, Slossberg & Knuff LLC

DATE: January 6, 2023

RE: **Proposed Changes to the City of Milford Zoning Regulations**
Article III, Section 3.18 Corridor Design Development District 3 –
Bridgeport Avenue Design Corridor District: CDD-3 Section 3.18.2, Special
Uses

In accordance with Milford Zoning Regulations 10.3 and CT General Statutes 8-3b and 22a-104, the distribution of the following proposed regulation change is submitted for your agency's review and comment. Please provide this office with acknowledgement of your receipt of this memorandum and provide your comments or approval within 35 days of the above date. review.

EXISTING TEXT:

3.18.2 Special Uses: Subject to all other applicable provision and limitation of these Regulations, the Board may allow the following buildings or uses, subject to Special Permit and Site Plan Approval in accordance with ARTICLE VII herein.

3.18.2.14 Multi-family residential buildings, subject to the following conditions and safeguards:

- (1) Multi-family residential buildings shall be permitted as part of an application for the development of a lot containing a minimum of 15 acres and a minimum of 600 feet of frontage on Bridgeport Avenue. For the purposes of this subsection, "development" shall mean the removal or renovation of all existing structures containing five (5) or more commercial establishments within a single structure, to be replaced by new or altered structures devoted to

commercial use and complying with the architectural standards for exterior building materials set forth in Section 5.16.1. No zoning permit shall be issued by the Zoning Enforcement Officer for multi-family residential buildings approved under this section unless or until a zoning permit for any portion of the commercial development has also been issued.

- (2) Such multi-family residential buildings shall be limited to efficiency, one-bedroom and two-bedroom dwelling units.
- (3) The maximum number of dwelling units shall not exceed 17 units per acre. No less than 10% of the dwelling units created shall be affordable housing as defined and in accordance with the Connecticut General Statute 8-30g.
- (4) The maximum building area coverage shall be twenty five percent (25%); maximum lot coverage shall be seventy-five percent (75%); and maximum floor area ratio (FAR) shall be 1.0.
- (5) No building shall exceed three (3) stories nor forty (40) feet in height.
- (6) A development plan approved under this section may be subdivided provided that any resulting parcel containing multi-family residential buildings shall be at least 12 acres in size and dwelling unit density does not exceed 17 units per acre.
- (7) Multi-family residential buildings shall be setback from Bridgeport Avenue a minimum distance of 200 feet.
- (8) Such developments may include accessory structures and uses such as, but not limited to, an associated clubhouse or similar amenity space, detached garages, maintenance buildings, mail buildings, and pool pump house buildings.
- (9) In addition to satisfying the architectural standards for exterior buildings materials set forth in Section 5.16.1, developments approved under this section shall comply with the following:
 - a. No more than 36 dwelling units shall be provided in a single multi-family residential building;
 - b. Pitched roofs shall be provided for any multi-family residential building, clubhouse, or detached garage;
 - c. Articulated building facades shall be included for all multi-family residential buildings to provide visual interest and reduce overall massing;
 - d. Multi-family residential building elevations shall include a mix of materials reflecting traditional New England-style design, including, by way of example and among other things, horizontal siding, shake-type siding, and board and batten-type siding.

- e. No less than fifty percent (50%) of dwelling units shall have a balcony of at least 36 square feet in size;
- f. Indoor residential community amenities such as, by way of example, a clubroom, fitness center, cinema room, co-working space, and/or prep kitchen;
- g. Outdoor residential community amenities such as a resort-quality pool, cabanas, fire pit, hammock park, and lawn game area;
- h. EV charging stations and BikeShare system; and
- i. Such developments shall include solar panels to offset electrical use of 40 kilowatts of power.

PROPOSED TEXT: (Changes indicated in **BOLD** italicized text and/or strikethrough text)

3.18.2 Special Uses: Subject to all other applicable provision and limitation of these Regulations, the Board may allow the following buildings or uses, subject to Special Permit and Site Plan Approval in accordance with ARTICLE VII herein.

3.18.2.15 Multi-family residential buildings, subject to the following conditions and safeguards:

- (1) Multi-family residential buildings shall be permitted as part of an application for the development of a lot containing a minimum of 15 acres and a minimum of 600 feet of frontage on Bridgeport Avenue. For the purposes of this subsection, "development" shall mean the removal or renovation of all existing structures containing five (5) or more commercial establishments within a single structure, to be replaced by new or altered structures devoted to commercial use and complying with the architectural standards for exterior building materials set forth in Section 5.16.1. No zoning permit shall be issued by the Zoning Enforcement Officer for multi-family residential buildings approved under this section unless or until a zoning permit for any portion of the commercial development has also been issued.
- (2) Such multi-family residential buildings shall be limited to efficiency, one-bedroom and two-bedroom dwelling units.
- (3) The maximum number of dwelling units shall not exceed ~~17~~ **18** units per acre. No less than 10% of the dwelling units created shall be affordable housing as defined and in accordance with the Connecticut General Statute 8-30g.
- (4) The maximum building area coverage shall be twenty five percent (25%); maximum lot coverage shall be seventy-five percent (75%); and maximum floor area ratio (FAR) shall be 1.0.
- (5) No building shall exceed three (3) stories nor forty (40) feet in height.
- (6) A development plan approved under this section may be subdivided provided

that any resulting parcel containing multi-family residential buildings shall be at least ~~12 10~~ acres in size and dwelling unit density does not exceed ~~17 18~~ units per acre.

- (7) Multi-family residential buildings shall be setback from Bridgeport Avenue a minimum distance of 200 feet.
- (8) Such developments may include accessory structures and uses such as, but not limited to, an associated clubhouse or similar amenity space, detached garages, maintenance buildings, mail buildings, and pool pump house buildings.
- (9) In addition to satisfying the architectural standards for exterior buildings materials set forth in Section 5.16.1, developments approved under this section shall comply with the following:
 - a. No more than 36 dwelling units shall be provided in a single multi-family residential building;
 - b. Pitched roofs shall be provided for any multi-family residential building, clubhouse, or detached garage;
 - c. Articulated building facades shall be included for all multi-family residential buildings to provide visual interest and reduce overall massing;
 - d. Multi-family residential building elevations shall include a mix of materials reflecting traditional New England-style design, including, by way of example and among other things, horizontal siding, shake-type siding, and board and batten-type siding.
 - e. No less than fifty percent (50%) of dwelling units shall have a balcony of at least 36 square feet in size;
 - f. Indoor residential community amenities such as, by way of example, a clubroom, fitness center, cinema room, co-working space, and/or prep kitchen;
 - g. Outdoor residential community amenities such as a resort-quality pool, cabanas, fire pit, hammock park, and lawn game area;
 - h. EV charging stations and BikeShare system; and
 - i. Such developments shall include solar panels to offset electrical use of 40 kilowatts of power.

FINAL REGULATION TEXT:

3.18.2 Special Uses: Subject to all other applicable provision and limitation of these Regulations, the Board may allow the following buildings or uses, subject to Special Permit and Site Plan Approval in accordance with ARTICLE VII herein.

3.18.2.16 Multi-family residential buildings, subject to the following conditions and safeguards:

- (1) Multi-family residential buildings shall be permitted as part of an application for the development of a lot containing a minimum of 15 acres and a minimum of 600 feet of frontage on Bridgeport Avenue. For the purposes of this subsection, "development" shall mean the removal or renovation of all existing structures containing five (5) or more commercial establishments within a single structure, to be replaced by new or altered structures devoted to commercial use and complying with the architectural standards for exterior building materials set forth in Section 5.16.1. No zoning permit shall be issued by the Zoning Enforcement Officer for multi-family residential buildings approved under this section unless or until a zoning permit for any portion of the commercial development has also been issued.
- (2) Such multi-family residential buildings shall be limited to efficiency, one-bedroom and two-bedroom dwelling units.
- (3) The maximum number of dwelling units shall not exceed 18 units per acre. No less than 10% of the dwelling units created shall be affordable housing as defined and in accordance with the Connecticut General Statute 8-30g.
- (4) The maximum building area coverage shall be twenty five percent (25%); maximum lot coverage shall be seventy-five percent (75%); and maximum floor area ratio (FAR) shall be 1.0.
- (5) No building shall exceed three (3) stories nor forty (40) feet in height.
 - (6) A development plan approved under this section may be subdivided provided that any resulting parcel containing multi-family residential buildings shall be at least 10 acres in size and dwelling unit density does not exceed 18 units per acre.
- (7) Multi-family residential buildings shall be setback from Bridgeport Avenue a minimum distance of 200 feet.
- (8) Such developments may include accessory structures and uses such as, but not limited to, an associated clubhouse or similar amenity space, detached garages, maintenance buildings, mail buildings, and pool pump house buildings.
- (9) In addition to satisfying the architectural standards for exterior buildings materials set forth in Section 5.16.1, developments approved under this section shall comply with the following:
 - a. No more than 36 dwelling units shall be provided in a single multi-family residential building;
 - b. Pitched roofs shall be provided for any multi-family residential building, clubhouse, or detached garage;

- c. Articulated building facades shall be included for all multi-family residential buildings to provide visual interest and reduce overall massing;
- d. Multi-family residential building elevations shall include a mix of materials reflecting traditional New England-style design, including, by way of example and among other things, horizontal siding, shake-type siding, and board and batten-type siding.
- e. No less than fifty percent (50%) of dwelling units shall have a balcony of at least 36 square feet in size;
- f. Indoor residential community amenities such as, by way of example, a clubroom, fitness center, cinema room, co-working space, and/or prep kitchen;
- g. Outdoor residential community amenities such as a resort-quality pool, cabanas, fire pit, hammock park, and lawn game area;
- h. EV charging stations and BikeShare system; and
- i. Such developments shall include solar panels to offset electrical use of 40 kilowatts of power.

REASON FOR CHANGE:

The applicant, CDP Milford LLC (the “Applicant”), is the contract purchaser of the property located at 589 Bridgeport Avenue (the “Property”). The Property is located in the CDD-3 zone and is comprised of a number of retail buildings, a good portion of which are vacant, including K-Mart, Ocean State Job Lot, Dollar Tree, Walgreens, Taco Bell, and a small strip center adjacent to Bridgeport Avenue, which includes Subway, a liquor store, and vacant space. In January 2022, the Applicant submitted an application for regulation amendment to allow multi-family residential in the CDD-3 zone as a special permit use (the “Multi-Family Amendment”). The Multi-Family Amendment, section 3.18.2.14 of the Regulations, was approved by the Planning & Zoning Board on February 1, 2022.

After the Multi-Family Amendment was approved, the Applicant learned of certain development restrictions in leases held by existing tenants that preclude the original concept plan. As a result, the Applicant sought to revise the Multi-Family Amendment last fall and the Commission conducted a public hearing on that application on September 20, 2022, and November 15, 2022 (the “2022 Amendment”). In the 2022 Amendment, the Applicant sought, among other things, an increase in the maximum allowable height—i.e., to allow a maximum height of 55 feet where only 40 feet is allowed under the existing text. The proposed height increase was a concern of the Commission and the neighbors, and the 2022 Amendment was ultimately denied.

The Applicant returns now with this application in order to accommodate additional changes to the proposed site plan and building configuration for this redevelopment project. The Applicant prepared this new site plan with careful consideration to the comments received

during the public hearings conducted last year. Unlike the 2022 Amendment, the Applicant is not requesting any increase or change to the maximum building height under this application. In addition, the modest increase in allowable density currently requested is less than what was contemplated by the 2022 Amendment. Although the Applicant seeks approval for an increase to 18 units per acre (rather than the 17 units per acre currently allowed), the new site plan proposes less units overall—while the previous submission proposed a total of 202 units, only 192 units are provided under the current plan.

As previously discussed, the approved Multi-Family Amendment includes strict criteria and other safeguards to ensure that any multi-family residential developments permitted under this section will advance the POCD goal of promoting infill development for underutilized properties like the K-Mart shopping center, while remaining consistent with the development plan for the CDD-3 zone overall. For example, the Multi-Family Amendment provides that multi-family residential would only be permitted in conjunction with the redevelopment of a parcel of 15 acres or more and must include significant aesthetic upgrades to existing commercial establishments located on the redevelopment property. These important safeguards will not be impacted by the revision currently proposed.

Under both the existing approved language and the revised language requested here, the Property remains the only parcel eligible for multi-family residential use under section 3.18.2.14 of the Regulations. And, most importantly, the type of infill redevelopment and multi-family use contemplated under section 3.18.2.14, including the revised language proposed here, remains entirely consistent with the various residential zones that abut the CDD-3 zone, particularly where, as here, multi-family is permitted only on larger commercial tracts with the necessary infrastructure and opportunities for buffering.

A petition for substantially the same change in regulations has previously been filed:

Yes: _____ No: X If yes, date of hearing:

This regulation change is proposed by: Petitioner: X or _____ PZB Subcommittee

Cc: J. Quish, Chairman P&Z
J. Griffith, DPLU