



CITY OF NORWALK
Zoning Commission
Norwalk City Hall, Room 129
125 East Avenue,
Norwalk, CT 06856-5125

MEMORANDUM

August 5th, 2021

TO: Zoning Commission, Louis Schulman, Chairman

FROM: Michelle Andrzejewski, Land Use Planner

SUBJECT: #2021-16 R/SP – Workforce Partner, LLC – 132 Flax Hill Road – Proposed text amendment to eliminate required lot area for historic preservation eligibility in the D residential zone and a special permit application to rehabilitate existing three family and convert to five units within existing structure

Owner/Applicant: Workforce Partner, LLC

Property Address: 132 Flax Hill Road

Zone: D residence zone

Lot Area: 0.217 acres (9,460 sqft)

Existing Use: Three family residence

Referrals:

- Planning commission reviewed and made action at their July 14, 2021 meeting voting unanimously in favor of the text amendment.
- **DEEP** has received and responded to text amendment. Stating “finds the proposal generally consistent.” with Connecticut’s Coastal Management Act.
- **WestCOG** has received and responded to the text amendment. States “the proposal is of local interest and with minimal intermunicipal impact and is not being forward to adjacent municipalities and the regional staff is making no comment.”
- Staff has referred the application to the **Town of Darien** due to its proximity to the D residential zone.
- **Historical Commission** has reviewed on text amendment at their meeting on June 23rd, 2021. Voting in support for the regulation change.

CEAC signoffs: Fire Marshal, Conservation Department, DPW, and WPCA sign-offs has been received.

OVERVIEW:

This proposed text amendment is to eliminate lot area requirement so the applicant can utilize historic preservation to alleviate required lot width, 1 parking space (7 spaces required only 6 will be provided), required recreation area (1,000 square feet required, 769 square feet provided), and required 5’ buffer strip for parking. The applicant previously proposed to lower the required lot area to 9,000 square feet from the previously required 12,000 square feet, while staff advised to remove lot minimum completely. Staff requested removal of this requirement rather than lowering it as the proposed text amendment was tailored directly to benefit this project and

appeared to be more spot zoning. It would be more logical and beneficial for all historic properties to eliminate the lot size requirement in its entirety. This existing three family home will be converted to five residential units within existing footprint. Rehabilitation includes restoration of the exterior including the front porch, posts, handrails, new windows, and removal of fire escape. This application is for 132 Flax Hill Road only any approval needed for 138 Flax Hill Road will need to be obtained separately.

TEXT AMENDMENT:

The proposed text amendment will change the following to 118-360 (B)(y)(i):

EXISTING language	PROPOSED language - to remove this requirement
i. the subject property has a minimum area of twelve thousand (12,000) square feet;	i. the subject property has a minimum area of twelve thousand(12,000) square feet;

There are 44 total properties within the D residential zone that could utilize the historic preservation regulation under a special permit use. (See map depicting these parcels that could utilize this regulation) The applicant will provide a more detailed outline of all parcels that were not previously eligible per lot area (historic lots less than 12,000 square feet). (D residential zone historic preservation regulation section is below for your reference)

SPECIAL PERMIT STANDARDS:

Per §118-1450.C, the application must comply with the listed criteria and the Commission must determine if the proposed use is harmony with the general purpose of the regulations. The applicant has addressed these issues, but staff has provided additional comments as follows:

1. **Density of Use & Bulk of Buildings:**
The proposed density increase from three to five unit complies with the required lot area requirement for the number of units. Bulk and height are not proposed to change.
2. **Stable Traffic Flow:**
The applicant traffic reports state “the proposed expansion of the multifamily home from three to five units will not have a significant impact on traffic operations”.
3. **Availability of mass transit facilities:**
SoNo Train Station is less than .5 miles or a five minute walk. The property is approximately .6 miles from I-95.
4. **Availability an compatibility of utilities:**
The property is connected to city sewer and water. No proposed changes.
5. **Adverse impact from noise, odor, fumes, dust and artificial lighting:**
Applicant states the increase of two net units to the property will not have a significant impact of noise, odor, fumes, or dust. No lighting plan was submitted however, there are

only two exterior wall hung lights in the front and rear that will remain the same fixture and intensity.

6. Sign of size and design of size an design that are in harmony with the neighborhood:
No signage is proposed.

7. Adequacy of yards and open space, screening and buffering:

Applicant is proposing a one way driveway around the rear of the property that will start on 138 Flax Hill Road and will exit on the North/West side of the property on 132 Flax Hill Road. The new paved area will provide three new parking spaces in the rear and another three spaces on the side of the property. This is primarily where the yard and open space for the property sits currently. The applicant does not comply with required recreation space. However, the applicant complies allowable building and parking area (32.2% existing, 59.8% proposed – 60% for building and parking allowed). Applicant is requesting historic relief from the required 5' for buffering for parking.

8. Impact of neighborhood properties, as compared to uses and structures permitted as a matter of right:

In the D residential zone permitted as of right allows up to 12 units if all requirements can be met including open recreation space, parking, setbacks, height, etc. In this case a special permit for five units that need historic preservation relief of some requirements will have similar impact of adjacent uses permitted as of right.

9. Existing land use in the area:

Generally the properties in the area are multifamily.

10. Proximity of community facilities:

The property is .3 miles from Flax Hill Park. Lockwood Mathews Mansion, Oyster Shell Park, Veterans Park and the Maritime Aquarium area are located within a one mile walk.

11. Compliance with the zoning code and Plan of Conservation and Development:

The applicant is seeking a relief of the required lot width, one parking space, and 5' buffer strip around parking. This is an existing structure no setbacks, height, or stories are affected. The applicant states the project is aligned with recommendation within the POCD:

- Preserve the integrity and character of historic structures, historic landscapes, and cultural resources sites within the City of Norwalk.
- Develop a historic Preservation Plan to establish policies, practice, and criteria for preservation of buildings and site important to the history of Norwalk.
- Revise zoning and development regulations to promote preservation and adaptive reuse of historic structures.

12. Conservation of wetlands, watercourses, and other ecologically valuable lands:

No wetlands on the property.

13. No Zoning violations exists on the property:

There are no known zoning violations on the property.

The following resolutions are offered:

RESOLUTION TO APPROVE TEXT AMENDMENT

**Whereas the Norwalk Zoning Commission held a Public Hearing on this application August 5th, 2021;*

**Whereas the Norwalk Zoning Commission has received a recommendation in favor of the proposed text amendment from the Norwalk Planning Commission for consistency with the 2019-2029 Norwalk Plan of Conservation and Development;*

THEREFORE BE IT RESOLVED by the Norwalk Zoning Commission that the application #2021-16 R/SP – Workforce Partner, LLC – 132 Flax Hill Road – Proposed text amendment to eliminate required lot area for historic preservation eligibility in the D residential zone and a special permit application to rehabilitate existing three family and convert to five units within existing structure be **APPROVED**.

BE IT RESOLVED that the reasons for this action are:

1. To achieve the Plan of Conservation and Development goal for Norwalk to “*Preserve the integrity and character of historic structures, historic landscapes, and cultural resources sites within the City of Norwalk.*” (Chapter 6: Preserving & Promoting Our Historic Heritage, Arts & Culture); and
2. To achieve the Plan of Conservation and Development goal that “*Develop a historic Preservation Plan to establish policies, practice, and criteria for preservation of buildings and site important to the history of Norwalk.*” (Chapter 6: Preserving & Promoting Our Historic Heritage, Arts & Culture); and
3. To achieve the Plan of Conservation and Development for Norwalk to “*Revise zoning and development regulations to promote preservation and adaptive reuse of historic structures.*” (Chapter 6: Preserving & Promoting Our Historic Heritage, Arts & Culture); and

BE IT FURTHER RESOLVED that the effective date of this approval shall be August 13th, 2021.

RESOLUTION TO APPROVE SPECIAL PERMIT

**Whereas the Norwalk Zoning Commission held a Public Hearing on this application August 5th, 2021;*

**Whereas the Norwalk Zoning Commission has received a recommendation in favor of the proposed text amendment from the Norwalk Planning Commission for consistency with the 2019-2029 Norwalk Plan of Conservation and Development;*

**Whereas the Norwalk Zoning Commission has received an approval letter from the Norwalk Historical Commission;*

THEREFORE BE IT RESOLVED by the Norwalk Zoning Commission that the application #2021-16 R/SP – Workforce Partner, LLC – 132 Flax Hill Road – Proposed text amendment to eliminate required lot area for historic preservation eligibility in the D residential zone and a special permit application to rehabilitate existing three family and convert to five units within existing structure be **APPROVED** subject to the following conditions:

1. That the building and site will be developed in accordance with the following plans:
 - a. Per the Zoning Location Survey prepared by Land Surveying Services, LLC dated 4/26/2021-05/19/2021.
 - b. Per Site Plan Layout Plan dated 9/22/2020-4/17/2021(Sheet No. 1 of 10); Erosion Control Plan dated 9/21/2020 (Sheet No. 2 of 10); prepared by Ricardo Ceballos, PE.
 - c. Per Architectural Plan entitled “132 Flax Hill Road” pages 1-3 prepared by Crosskey Architects, dated 5/4/2021.
 - d. Per Landscaping Plan prepared by Workforce Partners dated 4/15/2021-4/29/2021.
2. That a certificate of special permit and mylar map of approved site plan (as revised by any condition of approval) filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
3. That a surety be submitted, in an amount to be determined by staff, to guarantee the installation of the required erosion and sediment controls prior to the issuance of a zoning permit; and
4. That all erosion and sediment controls be installed and maintained prior to the start of any construction or site work and that additional controls be installed at the direction of the Commission’s Staff, as needed; and
5. That an driveway access easement to be filed on the Norwalk Land Records to allow 132 Flax Hill Road to access the parking on 138 Flax Hill Road; and
6. That any and all conditions listed in a memo dated June 29th, 2021 and May 21st, 2021 from Norwalk DPW are applicable to this approval; and
7. That any and all conditions listed in a memo dated June 1st, 2021 from Norwalk WPCA are applicable to this approval; and
8. That all CEAC sign-offs are submitted prior to the issuance of a zoning permit; and
9. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and
10. That any revisions to the approved plans be submitted to the Zoning Commission for their review and approval; and
11. That this approval is subject to Section 118-1460 of the Norwalk Building Zone Regulations; and

BE IT FURTHER RESOLVED that this application complies with Section 118-360 D Residence Zone, Section 118-1450 Special Permits and with all applicable section of the Building Zone regulations for the City of Norwalk; and

BE IT FURTHER RESOLVED that the effective date of this action is August 13th, 2021.