



Town of Westport

Planning and Zoning Commission

Town Hall, 110 Myrtle Avenue Westport, CT 06880

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www.westportct.gov

Hearing: October 8, 2020

Decision: October 8, 2020

October 9, 2020

William Achilles
Achilles Architects
498 Anson Street
Bridgeport, CT 06606

Re: 260 Riverside Avenue, Special Permit/ Site Plan PZ #20-00570

Dear Mr. Achilles:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on October 8, 2020, it was moved by Paul Lebowitz and seconded by Michael Cammeyer to adopt the following resolution:

RESOLUTION #PZ 20-00570

WHEREAS, THE PLANNING AND ZONING COMMISSION met on October 8, 2020, and made the following findings:

Property Description

1. Site Plan modification approval (#85-164) was received for this property on 12/23/1985 per §44-4 [now §44-7] of the Westport Zoning Regulations to facilitate separating the lot into two "condominium" parcels (Parcel A & Parcel B) and to retain the lot as whole for purposes of zoning compliance.
2. 260 Riverside Avenue is Parcel A (.6412 A) and 1 Sylvan Lane is Parcel B (.5022 A) of this conforming, 1.1434-acre lot, located within the Restricted Office - Retail District (RORD) #3 zoning district.
3. Parcel A is improved with a 5,194 SF commercial building (260 Riverside Avenue) and a 5,292 SF commercial building (264 Riverside Avenue) both under office use and currently these buildings are mostly vacant.
4. Parcel B, currently under separate ownership, is improved with three (3) buildings that are 2,922 SF (Building 1), 2,914 SF (Building 2) and 2,368 SF (Building 3) which contain a total of eight (8) market rate multi-family dwelling units.
5. Some of the property is located in the AE 10 Flood Zone, however, none of the buildings or other improvements on the site are located within the Flood Zone.

6. The property lies within the Coastal Area Management (CAM) boundary and the Waterway Protection Line Ordinance (WPLO) jurisdiction and it is on Town sewer.

Proposal

7. The applicant now comes before the Commission with a Site Plan and Special Permit application and proposes to:
 - a. Convert the approved use on Parcel A from commercial (office) to residential;
 - b. Utilize the provisions of §32-12 (Inclusionary Two-family and Multi Family Dwellings) on Parcel A to convert in their entirety two (2) buildings that are currently approved for office use to nine (9) residential units;
 - c. Designate two (2) of the aforementioned nine (9) residential units as deed restricted affordable units thus providing greater than 20% affordable units;
 - d. Locate one affordable two-bedroom unit in each of the two buildings so they are adequately dispersed (Unit #2 Unit #5) per §32-12;
 - e. Provide a bedroom density on site of 23 bedrooms per gross acre (exclusive of affordable bedrooms) and unit density on site of 17 units per gross acre, both of which are in conformance with §32-12.2.1;
 - f. Utilize the existing exterior façades with no changes to the buildings on Parcel A designated as 260 Riverside Avenue and 264 Riverside Avenue for this new use;
 - g. Utilize the existing site layout (Parking, Landscaping, Circulation) on Parcel A designated as 260 Riverside Avenue and 264 Riverside Avenue for this new use; and
 - h. Make no changes to Parcel B (1 Sylvan Lane), which is not party to this application; this includes no changes to the residential use, the building facades, the site or to the layout of the existing eight (8) multi-family one and two-bedroom residential units.
8. The applicant provided a building coverage plan, last revised 10/6/2020 to support their request to the Commission per §32.12.5.1 to exempt building coverage on Parcel A associated with open porches, decks, balconies and other similar open structures, resulting in a building coverage of 19.6% where 20% is allowed.

Prior Approvals

9. This project is not subject to CAM review as it is exempt per §31-10.6.1, as only interior modifications to the buildings are proposed, and partially parking lot stripping and landscape improvements.
10. On October 1, 2020 Comments were received from the Engineering Department that indicate that the conversion of use from commercial to residential will require approval from the Westport BOS/WPCA. In addition, the owners of 260 Riverside Avenue have entered into a contract and obtained a Road Opening Permit for reconstructing adjoining sidewalks and this work must be completed in accordance with Town Standards prior to obtaining a Zoning Certificate of Compliance.
11. The Conservation Department reviewed approved this proposal and state that since there will be no change in footprint that a WPLO permit is not required.
12. The Town Attorney stated that final approval and recording on the Westport Land Records of the affordability plan will be required prior to the issuance of the Zoning Certificate of Compliance.

20. The Commission finds that per §32-12.12 that landscaping, screening and buffer areas be provided in accordance with §35 (Landscaping) and the applicant has agreed to be subject to review by the landscape subcommittee and shall bring Parcel A into compliance with §35.
21. The Commission finds that the applicant has provided two units that are not only affordable but accessible as well, and the applicant has agreed to provide two additional accessible parking spaces.

NOW THEREFORE, BE IT RESOLVED that **260 Riverside Ave:** Special Permit/ Site Plan Appl# PZ-20-00570 submitted by William Achilles for property owned by Riverside Holdings LLC, to convert the existing office use to nine (9) residential units, utilizing the provisions of §32-12 (Inclusionary Two-family and Multi Family Dwellings) and providing two deed restricted affordable dwelling units, be **GRANTED** subject to the modifications and conditions listed below:

CONDITIONS/MODIFICATIONS

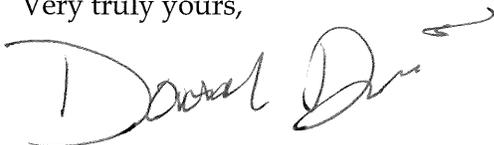
1. Conformance to the Existing Conditions Plan, prepared by J. Edwards & Associates, LLC, last revised 1/27/2020 that shall be further modified to incorporate staff recommendation and provide Two (2) more accessible parking spaces shall be provided, bring the total to 4 accessible spaces on Parcel A.
2. Conformance with the Building Plans prepared by William Achilles, last revised 9/28/2020.
3. Conformance with Building Coverage Plans prepared by William Achilles, last revised 10/6/2020.
4. The Commission shall refer the applicant to the Landscape subcommittee for modifications to the landscape and to bring the site into compliance with §35.
5. Conformance with the DPW-Engineering Department comments dated 10/1/2020.
6. Prior to the issuance of the Zoning Permit, which shall be obtained prior to commencement of any work, the applicant shall submit and obtain the following:
 - a. Record this resolution on the Town of Westport Land Records;
 - b. Final approval from DPW Engineering and the Westport BOS/WPCA.
 - c. The applicant shall modify the plan to provide two additional accessible parking spaces in addition to removing the parking space in the landscape buffer and the to designate the refuse area.
 - d. The applicant shall meet with the Landscape subcommittee and gain their approval (which includes the removal of the western-most parking space that is in the 30-foot landscape buffer) to bring Parcel A into a code compliance for landscape as required per §35-4 for the new use.
 - e. Final approval from the Town Attorney of the affordability plan which shall be modified to meet her requirements and shall reference the Site Plan and Special Permit approval and must include a plan that shows the location of the affordable units. This document shall be executed and filed on the Westport Land Records.
7. Prior to issuance of a Zoning Certificate of Compliance (ZCC), the applicant shall submit a final "As-Built" survey and the following shall be completed:
 - a. Final Approval from DPW-Engineering.

- b. The work described in the Road Opening Permit for reconstructing adjoining sidewalks must be completed in accordance with Town Standards prior to obtaining a Zoning Certificate of Compliance
 - c. Final site inspection by the Zoning Official.
8. All work approved pursuant to this Special Permit and Site Plan application shall be completed within five (5) years of date of approval, by October 8, 2025.
 9. All new utilities shall be placed underground.
 10. Trees shall not be removed from Town property.
 11. All plantings shall be maintained in a healthy growing condition and all fences and walls shall be maintained in good physical condition throughout the duration of the use. Plants, fences or walls not so maintained shall be replaced with new materials no later than the beginning of the next immediately following growing season.
 12. This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.
 13. ENFORCEMENT. Failure to comply with any standard or condition contained in this Resolution, shall be considered a zoning violation pursuant to §45-2 of the Westport Zoning Regulations. The failure to undertake corrective action within 10 days of being notified of such violation may result in the following remedies: 1) issuance of a notice of violation; 2) issuance of a cease and desist order; 3) issuance of a municipal citation with daily fines of up the maximum allowed by statute; and/or 4) enforcement action through a judicial proceeding.

VOTE:

AYES	-7-	{Dobin, Stephens, Walsh, Lebowitz, Cammeyer, Olefson, Gratrix}
NAYS	-0-	
ABSTENTIONS	-0-	

Very truly yours,



Danielle Dobin, Chair

- cc: Edward Gill, DPW-Engineering
 Colin Kelly, Conservation
 Bryan Thompson, DPW-Sewer