

**Resolution
for APPROVAL**

November 18, 2015

To: Avon Planning and Zoning Commission

From: Hiram Peck, AICP, Director of Planning and Community Development

Re: Application #4774 – Ensign Bickford Realty Corporation, owner, Carpionato Group, applicant, request for Zone Change modification, 6.6 acres, 16 Ensign Drive, Parcel 2210016; 11.6 acres, 21 Ensign Drive, Parcel 2210021; 30.7 acres, 65 Ensign Drive, Parcel 2210065; 16.3 acres, 70 Ensign Drive, Parcel 2210070; 13.7 acres, 55 Bickford Drive, Parcel 1300055; 5.4 acres, 75 Bickford Drive, Parcel 1300075; 6.5 acres, 65 Simsbury Road, Parcel 3970065; 1.0 acres, 71 Simsbury Road, Parcel 3970071; and .93 acres, 93 Simsbury Road, Parcel 3970093, all located in an Avon Village Center (AVC) Zone.

The Planning and Zoning Commission (PZC), in accordance with all applicable Connecticut General Statutes and all applicable Avon Zoning Regulations has considered the above referenced application for revisions to the adopted Avon Village Center Zone as it applies to the referenced parcels of land. The PZC held deliberation meetings on November 10, 2015 and on November 17, 2015 and took the following action:

Upon a motion by Commissioner Armstrong and seconded by Commissioner Griffin the following resolution was adopted. Voting in favor of this resolution Chairman Keith, Vice Chair Griffin and Commissioners Armstrong, Vicino, Gentile, Cappello. Voting in opposition, Commissioner Mahoney.

WHEREAS, the PZC held public hearings on July 28, 2015, September 8, 2015, September 20, 2015 and October 20, 2015. At these meetings the PZC took all testimony as required by law. All necessary extensions of time needed to complete the public hearing on this matter were agreed to and received in writing from the applicant.

WHEREAS, the Commission finds the application, including all submitted materials, acceptable with certain modifications; and

THEREFORE BE IT RESOLVED that Application #4774 – Ensign Bickford Realty Corporation, owner, Carpionato Group, applicant, request for Zone Change modification, 6.6 acres, 16 Ensign Drive, Parcel 2210016; 11.6 acres, 21 Ensign Drive, Parcel 2210021; 30.7 acres, 65 Ensign Drive, Parcel 2210065; 16.3 acres, 70 Ensign Drive, Parcel 2210070; 13.7 acres, 55 Bickford Drive, Parcel 1300055; 5.4 acres, 75 Bickford Drive, Parcel 1300075; 6.5 acres, 65 Simsbury Road, Parcel 3970065; 1.0 acres, 71 Simsbury Road, Parcel 3970071; and .93 acres, 93 Simsbury Road, Parcel 3970093, all located in an Avon Village Center (AVC) Zone is hereby approved with modifications.

The modifications are as follows and must be resolved and or implemented as directed prior to the zoning signoff or issuance of a building permit. In this instance the applicant understands and acknowledges that they must apply to the PZC for special exception site plan approval prior to final zoning approval, signoff and issuance of any building permit as directed by Section VI. I. of Avon Zoning Regulations.

NOTES: 1. For purposes of this decision where they are referred to, the property District numbers (ACDD) are as referred to on Page 3 of the applicant's July 28, 2015 submission. 2. This decision is for the planning stage of the AVC and while the decision is as specific as possible at this time, the possible need for clarification of any specific point is entirely possible at the subsequent site plan stage in the future.

The required modifications are as follows:

- **With regard to the proposed street layout, alignment and dimension:**
 - **Bickford Drive:** The realignment of Bickford Drive as shown on the application plans through October 20, 2015 is satisfactory. However a final determination of the acceptability of the details of the road construction including right of way width, pavement width and on-street parking will be reserved until the site plan stage. The Commission also notes the desirable street parking alternatives as shown by Union Studio (the PZC peer review architect) along certain stretches of Bickford and acknowledges the impact of the need to calm traffic throughout this entire section of roadway. The planted median strip in sections of Bickford may also be acceptable depending on the proposed final design of the median, the proposed care and maintenance of the median and its plantings and the proposed function of the median as an element of the desired low impact development stormwater management plan for the area.
 - **Ensign Drive:** The proposed realignment of Ensign Drive as shown on the most recent plans from the applicant dated October 20, 2015 from Route 44 at the south to the proposed roundabout on the north is acceptable. It should also be noted that all the proposed crosswalks as shown on this plan set appear to be acceptable but will be subject to final approval at the site plan stage.
 - **Climax Drive:** The proposed realignment of Climax Road as shown on the plan dated October 20, 2015 is found acceptable in that it will provide an additional stopping movement for traffic both to and from Route 44. This will have the effect of further slowing traffic in this area and on Climax Road itself. Again, the specific details of the design of this new intersection including an analysis of the traffic engineering details will need to be worked out and approved prior to the onset of construction in this and all other site streets. Additional crosswalks as shown on the referenced plans are also found to benefit pedestrians walking and crossing the streets in this area.
 - **Fisher Drive:** While no actual realignment of Fisher Drive is proposed, it is noted that the area shown as District 7, a residential area on both the Commission's adopted 2012 Master Plan and on the applicant's proposed plan, may be used for access to this area.

While the exact building configuration, size and location are to be left to the site plan application stage, it is determined that Fisher Drive, a public street, may be used for access to this area for the residential development.

- **Access to the Knoll (District 7):** The Commission has determined that more than one access to this area is necessary. The applicant shall pursue creating a second means of

access to this residential area. This secondary access may be able to use the area of property over the existing MDC waterline easement. It is noted that specific permission from the MDC will be required to use or travel over this easement. The existing restrictions regarding the waterline easement are found in Volume 45 Page 79 of the Avon Land Records. It is to be noted that this approval cannot require the applicant to secure this permission from the MDC. However this approval does require that the applicant seek and find an acceptable second means of access to this area. The final determination of the acceptability of the second means of access shall be approved by the emergency services staff, including Fire, Police, EMS and the Commission. This agreement shall also include year round maintenance to insure access on a year round basis.

- **Internal site streets:** These streets are proposed to remain private into the future. The final layout of these streets including the proposed construction, street dimension and all engineering details are to be approved as part of the final site plan review application process. However the applicant may wish to submit the engineering plans for these private streets prior to submission of site plan for a complete section (District or Districts). These plans will be reviewed as submitted for proper design and coordination with this approval. These plans will also need to indicate the specific phasing proposed and how the proposed private streets will be integrated with the construction or reconstruction of all the site streets.

- **With regard to the proposed mix and allocation of uses including residential, retail, commercial and other, including parks, recreational and arts.**

- The adopted 2012 Master Plan for Avon Village Center (AVC) included the following:
 - 418 residential units
 - 451,103 non-residential square feet (incl. 264,830 retail/186,273 office)
 - Other: Arts, 20,000 approx. square feet
 - Total: 1,155,363 square feet
- Most recent application totals (as reviewed and calculated by staff)
 - 400 - 415 units approx. residential units (on target with approved plan)
647,381 square feet of residential.
 - 564,900 non-residential (incl. 519,670 retail/ 45,230 office) (An increase of 25.2% over adopted)
 - Other: Arts 20,000 approx. square feet.
 - Total: 1,232,277 square feet. (Within 6.6% of approved plan for total sq. ft.)

- The recommendations suggested by Union Studio, the Commission's peer review architect, are viewed as very positive, especially with regard to implementation at the site plan stage. While the above use allocation (2. b.) is acceptable, the Commission will review the individual District site plans, in addition to the adopted and revised regulations, with specific additional reference to Union Studio's recommendations regarding:
 - Refining the alignment of commercial buildings in District 3 to accomplish the following specific goals:
 - Relocating the retail buildings away from Climax Road area so as to provide a larger buffer between the Forest Mews complex.
 - Consider installing some residential units in this newly created buffer area so as to complement the Forest Mews residential character. The continuation of the residential use on both side of Climax Road will mitigate issues discussed at the public hearings on this matter.
 - It is strongly recommended that the retail building alignment suggested by Union Studio be considered for the following reasons:
 - The continuation of the local street, called North Main Street on the application plans, provides continuity and visual interest with the potential for a very well designed architectural building at the north end of North Main Street to serve as a pleasant visual terminus of this street and retail area.
 - The retail buildings are to be moved away from the west end of District 3 as described above.
 - The number of retail buildings shown is seven (7) and is acceptable. It should be noted that smaller buildings are much preferred to large format retail stores. To that end no single building footprint shall exceed 54,000 square feet. In addition no outdoor storage or outdoor display area shall be permitted to be attached to or used in conjunction with such building without a separate Special Exception permit from the PZC.
 - The location of the retail building as shown on the Union Studio recommendation, or an arrangement which is similar will allow for the resupply and service of these buildings to occur by using Ensign, Bickford, North Main and Fisher Drive with little or no impact on the residential portion of Climax Road.
 - The inclusion of residential units above retail in some buildings in the Village Center (see sketch 3 from Union Studio) is seen as a way to activate the Village center and provide in Village living opportunities as have been very successful in

other, nearby mixed use developments. The development of these mixed use buildings in the Village Center will further the Commission's goal of creating a true mixed use Village.

- Additional landscaping and screening as recommended in the Union Studio report and sketches dated October 19, 2015.
- The park and performance areas are found acceptable as follows:
 - District One (1), the Large Park which fronts on Ensign, Bickford, Fisher and Simsbury Road will be properly donated to the Town of Avon. The Town and the Carpionato Group will serve as joint applicants or in a shared application in an effort to provide any improvements to this area. The improvements shall be designed by the Carpionato Group or its designee. The improvements are to be constructed by the applicants if approved by the local permitting agencies. If the improvements are not approved by the local permitting agencies, no construction will be required. The improvements are to include the design and construction of the improvements as shown on page 16 of the applicant's October 20 submission from TRO JB. No matter the outcome of the above the applicant is still responsible for compliance with the existing open space regulations.
 - The creation of the Town Green in District two (2) as shown on the applicant's plans. This area should also include the improvement of the area to the north of the actual Green. It is noted that this area is technically an inland wetland area. While the Commission does not believe this area to be a high-value wetland area, that decision is ultimately up to the Avon Wetlands Agency. An application to improve this area with suitable walkways or paths is recommended after conferring on the details of such an application with wetlands staff.
 - The 8,000 square foot performance area near the existing Arts Center should also be the subject of some detailed mapping and discussion with wetlands staff. The area may be determined to be acceptable for such a performance area. However if the area is found to be unacceptable by the Avon Wetlands Agency, the area will not be permitted to be used for the proposed use. This study, mapping and application is the sole responsibility of the applicant.
 - The developer should give strong consideration to enhancing the importance of and connection to the existing Town Green at the southwestern corner of District Five (5). This could significantly strengthen the appeal of this area and will enhance and promote the continued use of this area. The possibility of adding a small structure to an appropriate area of the Green should be considered and discussed with the Commission.
 - The existing bike trail (aka The East Coast Greenway) routing as shown on Page 19 of the applicants October 20 submission is found acceptable. The construction and routing along with appropriate signage is the responsibility of

the applicant. Design details including signage are to be worked out with all appropriate Town staff. In addition:

- The bike racking as shown is acceptable, however over time it may be determined that additional bike racks are needed or that the racks may need to be relocated to be more convenient. These relocations should be done in consultation with Town staff.
- The applicant should explore with Wetlands staff the possibility of another additional bike/pedestrian route in District 1 along Nod Brook, if possible.

- **With regard to overall project phasing.**

- The applicant has committed to dividing the project into two (2) phases.

In actuality the application states that the entire infrastructure will be installed first. Detailed plans for that infrastructure will need to be reviewed and approved by Avon Town Staff prior to the onset of this work. All details of work scheduling, and infrastructure installation and reinstallation, including any needed upgrades will need to be approved prior to onset of construction. If the infrastructure ultimately proposed to be implemented is different than that approved at this time the changes may be required to be reviewed by the Commission.

- It is not known at this time what sequence of permitting the Connecticut DOT/OSTA will require. However the applicant should contact the DOT/OSTA staff to confirm this required sequencing. In addition, it is required by this approval that the Town of Avon Planning Department be notified of any meetings between DOT/OSTA and the developer's traffic or engineering representatives so as to be able to attend these meetings. This should serve to help streamline the process and minimize any issues

that may come up as to proper phasing. This is especially true with regard to use of existing street network and issues that may arise as access will need to continue throughout the development process.

- The applicant has committed to constructing 53.5% of the development in phase 1 and 46.5% in phase 2. In Phase 1 the development will be 28 % residential and 72 % commercial. In Phase 2 the development will be 55% residential and 45% commercial.

This is a relatively balanced approach to the proposed construction given the applicants initial request. Staff will monitor the progress of construction and the request s for Certificates of Occupancy to insure the development proceeds in accordance with the applicable Avon Village Center Zoning Regulations as amended by the Commission and this application. A detailed development plan by phase shall be submitted to the Commission and reviewed for approval prior to the issuance of any building permits.

- It is required as part of this approval that the connection between the southern end of the proposed North Main Street where it intersects with the proposed Main Street be

explored to determine whether a significant connection to the existing Town Office driveway and parking system at Climax Heights Road is possible and or desirable. The alternatives for this connection should be explored in concert with the Avon Police and the Avon Town Administration to determine the acceptability and feasibility of this access point.

- An important aspect of project phasing will be infrastructure installation. The developer is required to coordinate all infrastructure installation, capacity upgrades as needed, and proper permitting with the Town of Avon and all public utilities, including sewer, water, electric, gas and communication lines.
- The applicant is encouraged to return to the Commission with development updates on a periodic basis in order to facilitate smooth overall project development. The Commission by this approval requires that the applicant/developer return to the Commission with more detailed plans of the sections proposed for initial development within one (1) year from the date of this approval at the latest.
- The applicant is required to continue with the peer review program as established in all phases of the development.
- **With regard to the size of proposed building footprints.**

As stated in number two (2) above the largest single building footprint is to be 54,000 square feet unless approved otherwise by the Avon Planning and Zoning Commission. The outdoor storage prohibition pertains to any building in the entire Village Center. Outdoor dining as an accessory use is encouraged.

- **With regard to pedestrian walkways, sidewalks and bicycling trails.**

The design, including detailed cross sections of any proposed roadway, walkway, sidewalk and/or trail must be reviewed and approved by Avon staff so as to insure it meets the required technical standards for the intended use. It is intended that these conveyance ways are designed to a high standard as to their construction but that they are not over built so as to contribute unduly to excessive stormwater runoff, or to encourage the use of any of them at a speed or a volume which will not ultimately be conducive to a very successful Village Center.

- **Buildings lining the streets:**

The applicant shall align buildings to the maximum extent possible along the streets as depicted in the 2012 adopted Mixed Use Plan in order to implement the intent of the definition of Main Street as contained in the Avon Zoning Regulations. This shall also be done along other streets, especially "North Main Street" in order to achieve the same effect, promote walkability and street activation. This shall be an important criteria as the Commission reviews the site plans for the Districts as they are submitted for final approval.

- **Parking to be reviewed on a site plan by site plan basis.**

The developer shall show the proposed parking associated with each District on the submitted site plans. The developer should attempt to optimize the parking on the entire site so that the site does not become “over parked”. As a result a parking plan for the site which shows as much parking as can be proven to be needed and not excessive, will be desirable from the Commission’s perspective.

- **Cuts and fills to be minimized.**

The applicant has stated and the Commission is desirous of all attempts to minimize cuts and fills as regards removing earth material from the site. While it is understood that certain excavation is essential to implement the proposed plan, attempts to minimize earth removal shall be carefully reviewed before being permitted.

- **With regard to use of energy saving, stormwater conservation and other techniques.**

The applicant has proposed to use a high degree of sensitivity toward energy saving lighting, the use of low impact development as to stormwater management and significant traffic calming measures. The Staff and Commission will insure that these proposals are adhered to as the detailed site plan applications are reviewed in the future for various aspects of the development. The applicant also proposed use of green roofs on buildings on which this is feasible. This proposal will also be monitored by Staff. LID measures will be used throughout the development to manage stormwater in an optimal fashion. A high level of erosion and sedimentation control measure will be required throughout the entire development. Any site plans submitted shall include the environmental measure as part of their application.

- **With regard to specific architectural details:**

In accordance with CGS 8-2j, Village District Act, The architecture for each District shall be proposed and implemented in a fashion that the Commission is able to clearly identify as a true small town Village Center in terms of architectural details, New England Character, building siting streetscape, plantings and street activation.

AND IN ADDITION:

WHEREAS, the submitted application is found acceptable with the above modifications, the Commission also hereby approves the following amendments to Section VI. I. 6.b. of the Avon Village Center (AVC) Zoning Regulations as reflective of the revisions necessary to implement the submitted application as modified, and

WHEREAS, the Mixed Use Development Plan (MUDP) as modified by the above findings is found acceptable, and

WHEREAS, the Avon Center Design Districts (ACDD) as reflected in the modified, acceptable MUDP are found essentially in keeping with the requirements of the ACDD, and

WHEREAS, the application and plan as modified is found to be in keeping with the Main Street as defined by the AVC regulations, and

WHEREAS, the conversion of proposed housing units to any other use is not permitted without the express permission of the Commission, and

WHEREAS, the application as modified is found acceptable and therefore requires Section VI. I. d.1. to be modified to reflect those plan modifications.

THEREFORE BE IT RESOLVED, that Application #4774 – Ensign Bickford Realty Corporation, owner, Carpionato Group, applicant, request for Zone Change modification, 6.6 acres, 16 Ensign Drive, Parcel 2210016; 11.6 acres, 21 Ensign Drive, Parcel 2210021; 30.7 acres, 65 Ensign Drive, Parcel 2210065; 16.3 acres, 70 Ensign Drive, Parcel 2210070; 13.7 acres, 55 Bickford Drive, Parcel 1300055; 5.4 acres, 75 Bickford Drive, Parcel 1300075; 6.5 acres, 65 Simsbury Road, Parcel 3970065; 1.0 acres, 71 Simsbury Road, Parcel 3970071; and .93 acres, 93 Simsbury Road, Parcel 3970093, all located in an Avon Village Center (AVC) Zone is hereby approved with modifications and the applicable zoning regulations as cited above are hereby revised as follows:

(DELETE EXISTING ZONING TEXT WORDING AND REPLACE WITH THE FOLLOWING)

Section VI. I.

“ h. Modifications to the MUDP. Amendments to and modifications of the MUDP may be permitted with the separate submission of an ACDD site plan – plan modification which is found to be in keeping with the following:

- Modifications to the mix of uses may be permitted in an ACDD may consist of a mix of uses found acceptable by the Commission after an application for a Master Plan and Zone Modification. Public Hearing required.
- Modifications to the gross floor area of all uses may be permitted in an ACDD shall be subject to a Special Exception application to the Commission for such proposed change. Public Hearing required.
- Modifications to the height (in feet) of any structure in an ACDD may be permitted but shall not change by more than 25 percent or an increase deemed acceptable by the Commission depending on site context, topography and overall desirability as part of the proposed development.
- Modifications in the amount of usable open space shall not reduce the allocation of open space shown on the adopted Master Plan without compensation elsewhere within the development areas approved under the MUDP unless determined to be an overall benefit to the development by the Commission. Public hearing required.
- Modifications to roads and accessways shall not eliminate the direct traffic connection that links all ACDDs within the MUDP designed as a ‘Main Street’.”

Specifically with regard to each District (square footage):

District ACDD 1: Park. As stated above.

District ACDD 2: Village Green. This area is found acceptable as proposed in terms of square footage as follows: Retail: 105,000; Housing: 30,000; Office: 10,000.

District ACDD 3: The Square. Retail: 200,000; Housing 40,000; Office N/A

District ACDD 4: Brownstone. Retail: 92,870; Housing: 35,600; Office: 16,580.

District ACDD 5: Retail 79,400; Housing: 87,000; Office: 6,000.

District ACDD 6: Climax Road. Retail: 42,400; Housing: 91,600; Office: N/A

District ACDD 7: The Knoll. Housing: 230,581

District ACDD 8: Simsbury Road. Retail N/A; Housing: 132, 600; Office: 12,650

Voting in favor: 6. Voting in opposition: 1.

Resolution is adopted.

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