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RICHARD A. MCQUAID
TOWN CLERK NORWALK CT

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF
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BY THE OFFICE OF THE TOWN CLERK OF THE TOWN
OF NORWALK

ON NOV. 15, 2017 AT 9:00 AM

M. Jean Champagne
TOWN CLERK

DATE: November 15, 2017



November 13, 2017

Jacqueline O. Kaufman, Esq.
Carmody Torrance Sandak & Hennessey
707 Summer Street
Stamford, CT 06901-1026

Re: #4-17R – NWMFP Norwalk Town Ctr II/3 Q Property LLC – Proposed amendments to revise Design District Development Park (DDDP) criteria for developments in Central Business Design District Subarea B

#2-17SPR/#14-17CAM – NWMFP Norwalk Town Ctr II/3 Q Property LLC – The Pinnacle @ Waypointe South Block - 467 West Av/17 Butler St/3 Quincy St – New 7 story, 519,820 square foot mixed use development with 330 dwelling units, 496 seat movie theater (41,604 sf), 22,509 square feet restaurant, 0 sf retail, 3,602 sf office, 23,979 sf fitness center and 942 sp pkg garage

#3-17SPR/#15-17CAM – 6 Butler Properties, LLC – 6 Butler St – Demolish existing building at 6 Butler St; Relocate historic building from 3 Quincy St to 6 Butler St; demolish portion of historic bldg and rehabilitate remaining portion of historic bldg for reuse.

Dear Attorney Kaufman:

At a meeting of the Norwalk Zoning Commission held on Wednesday, October 18, 2017 the following actions were taken:

*** ZONING AMENDMENT RESOLUTION ***

BE IT RESOLVED that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled "#4-17R – NW MFP Norwalk Town Center II, LLC – Proposed amendments to Section 118-504 to revise Design District Development Park (DDDP) criteria for developments in Central Business Design District Subarea B and related technical amendments" and dated May 18, 2017 as modified October 18, 2017 be approved, but with the modification that the word "active" be retained.

BE IT FURTHER RESOLVED that the reasons for this action are:

- 1) To implement the Plan of Conservation and Development to "Create an engaging urban landscape and architectural setting in the West Avenue area through the adoption and implementation of West Avenue planning, as amended" (F.4.1.10, p. 44); and
- 2) To implement the Plan of Conservation and Development to "Advance current redevelopment plans" (A.6.2, p. 13)
- 3) To implement the Plan of Conservation and Development to "Strengthen the character of neighborhoods and commercial areas and improve the quality of architectural design" (F.4.1, p. 43); and

BE IT FURTHER RESOLVED that the effective date of this action be October 27, 2017.

*** #2-17SPR/#14-17CAM – 467 WEST AVE/17 BUTLER ST/3 QUINCY ST RESOLUTION ***

BE IT RESOLVED that site plan application #2-17SPR and coastal site plan application #14-17CAM – NW MFP Norwalk Town Center II, LLC & 3Q Property LLC – 467 West Avenue/17 Butler Street/3 Quincy Street (Waypointe South Block) – New 7 story, 519,820 sf mixed use development with 496 seat movie theater, 0 sf retail, 22,509 sf restaurant, 3,602 sf office, 23,979 sf fitness center and 330 multifamily dwelling units with new public amenities to permit one (1) additional story and 4 feet bonus height and 153,754 sf bonus floor area with 942 space parking garage within a Design District Development Park as shown on a set of plans entitled "The Pinnacle at Waypointe Norwalk CT." by Redniss and Mead and various related plans by Penney Design Group and Didona Associates Landscape Architects, LLC, dated July 21, 2017 as revised to October 9, 2017, be approved, subject to the following conditions:

1. That revised Waypointe Design District Development Park (DDDP) master plan as shown on a plan entitled "Data Accumulation Plan depicting property surveys within Waypointe Design District Development Park Norwalk CT", revised to October 17, 2017 to permit shared parking between parcels and increases in permitted FAR, coverage and density shall be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a final certificate of zoning compliance (CZC);
2. That a final Workforce Housing Plan showing a total of thirty three (33) workforce housing units shall be submitted for Commission review and approval and shall include deed restriction documents, architectural floor plans and a breakdown of the number of studios, one bedroom, two bedroom and three bedroom workforce housing units; the final Plan shall be submitted for Corporation Counsel review prior to filing on the Norwalk Land Records. All such workforce housing units be deed restricted in perpetuity and meet all requirements of Section 118-1050 Workforce Housing regulations; and
3. That a copy of the permit issued by the Office of the State Traffic Administration (OSTA) be submitted prior to the issuance of a zoning permit and that any modifications to the approved plan, including changes requested by the OSTA, be submitted for review by the Zoning Commission; and
4. That all traffic improvements, including improvements, including those required by the OSTA, be complete prior to the issuance of a certificate of zoning compliance (CZC) and that within six months of the issuance of the CZC, a follow-up traffic study be submitted; and
5. That all CEAC signoffs shall be submitted prior to the start of construction; and
6. That the storm water maintenance plan, including the annual maintenance schedule, be made a part of this approval to verify that the proposed subsurface infiltration system is properly maintained; and
7. That all soil and erosion controls be installed prior to the start of any construction or site work; that silt sacks be installed in all existing and proposed catch basins, and that additional controls be installed at the direction of the Commission's staff, as needed; and
8. That any graffiti on the site, now or in the future, be immediately removed; and
9. Pedestrian level windows shall remain at least 80% transparent, provided that it is consistent with the design review approved by the Norwalk Redevelopment Agency and does not pose privacy issues for the tenant(s); and
10. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required improvements and that a Connecticut licensed engineer certify that the required improvements were installed to City standards; and
11. That all site improvements shown on the above-referenced plans are the applicant's responsibility including flush paver crosswalks, granite curbs, moveable furniture and any street improvement upgrades; and
12. That the landscape plan be revised to show decorative pavers on the crosswalk connecting the south block to the Stepping Stones Museum for Children and made part of this approval; and
13. That a shuttle bus service from the site to the train station be provided seven (7) days per week during AM and PM peak hours for at least one (1) year from the date of issuance of a certificate of zoning compliance (CZC); and
14. That the idling of delivery vehicles on site shall be prohibited. The property owner will inform vehicle operators of this prohibition by posting the appropriate language in designated delivery areas; and
15. That a final Covenant Regarding Amenities and Bonus Amenities, as shown on a Bonus Amenity Exhibit dated July 21, 2017, as modified October 18, 2017 and on related plans by Redniss & Mead, shall run with the land in perpetuity and must be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a final Certificate of Zoning Compliance (CZC). The amenities approved consist of a 14,535 sq. ft. through block arcade and an 18,737 sq. ft. sidewalk area if a 15' wide sidewalk is constructed or a modified square footage if a 13' wide sidewalk is constructed; and
16. Sidewalk widths may be reduced to thirteen (13) feet from the proposed fifteen (15) feet, in order to accommodate future bike lanes on West Avenue, provided the combined amenity space of the revised sidewalk area and the proposed through-block arcade justify the amenity bonus' requested by the applicant; and
17. A modified schematic, *for illustration purposes only*, shall be submitted to the Planning and Zoning Department for review, prior to obtaining any zoning permits for this project, which indicates a seventy (70) foot wide road clearance on West Avenue, containing 1) existing travel lanes; 2) existing on-street parking on West Avenue; 3) on-street parking as proposed by the applicant; and 4) five (5) foot wide bike lanes on both the east and west sides of West Avenue, in order to confirm that the components contained in this paragraph and their respective dimensional standards are feasible; and

18. That any modifications to the approved plans, including any reduction in active area contained in the Zoning Information Table dated 12/20/16, revised through 10/17/17, be submitted to the Zoning Commission for review and approval.

BE IT FURTHER RESOLVED that this application complies with applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that this application complies with Section 118-504 Central Business Design District, for a Design District Development Park in Subarea B, as amended, and with applicable sections of the Building Zone Regulations for the City of Norwalk.

BE IT FURTHER RESOLVED that the effective date of this action be October 27, 2017.

*** #3-17SPR/#15-17CAM – 6 BUTLER ST RESOLUTION ***

BE IT RESOLVED that site plan review application #3-17SPR/#15-17CAM - 6 Butler Properties, LLC – 6 Butler Street – New 7,680 sf office building as shown on a set of plans entitled "Zoning Site Plan depicting 6 Butler Street Norwalk, CT" prepared for 6 Butler Properties, LLC by Redniss and Mead Engineers and Didona Associates Landscape Architects and dated May 17, 2017 as revised to October 9, 2017, be approved, subject to the following conditions:

1. That any modifications to the approved plans be submitted to the Zoning Commission for review and approval; and
2. That while parking for restaurant use submitted and approved for illustrative purposes, a restaurant or other permitted uses in the zone, may occupy the 6 Butler Street space, provided there is adequate parking for the entire development proposal.
3. That the stormwater maintenance plan, including the annual maintenance schedule, be made a part of this approval to verify that the proposed subsurface infiltration system is properly maintained; and
4. That all soil and erosion controls be installed prior to the start of any construction or site work; that silt sacks be installed in all existing and proposed catch basins, and that additional controls be installed at the direction of the Commission's staff, as needed; and
5. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required erosion and sediment controls; and
6. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required improvements and that a Connecticut licensed engineer certify that the required improvements were installed to City standards prior to the issuance of a final certificate of zoning compliance (CZC); and
7. That all CEAC signoffs be submitted prior to the start of construction; and

BE IT FURTHER RESOLVED that this application complies with applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that this application complies with Section 118-504 Central Business Design District, for a Design District Development Park in Subarea B and with applicable sections of the Building Zone Regulations for the City of Norwalk

BE IT FURTHER RESOLVED that the effective date of this action be October 27, 2017.

*** REVISED DATA ACCUMULATION PLAN RESOLUTION ***

BE IT RESOLVED that the request to revise the Waypointe Design District Development Park as noted below and to adopt a new master plan for the Waypointe Design District Development Park (DDDP) as shown on a plan entitled "Data Accumulation Plan depicting property surveys within Waypointe Design District Development Park Norwalk CT." dated July 21, 2017 as revised to October 17, 2017 and related plans by Redniss and Mead Engineers, Penney Design Group, Gooding Architecture, Didona Associates Landscape Architects, LLC et al for each Block within the 15.26 acre DDDP, be approved, subject to the following revised conditions:

- 1) That any modifications to the blocks and/or parcels within the Design District Development Park requires review and approval by the Commission; and

BE IT FURTHER RESOLVED that this application complies with Section 118-504 Central Business Design District, for a Design District Development Park in Subarea B and with applicable sections of the Building Zone Regulations for the City of Norwalk, as amended.

BE IT FURTHER RESOLVED that the effective date of this action be October 27, 2017.

These approvals will expire on October 27, 2018. You must obtain a zoning approval and a building permit prior to any work on either of the two sites. A building permit must be obtained within one year of the effective date or these approvals will automatically become null and void.

A zoning approval will not be issued until the plans have been revised to comply with the conditions of approval and a surety for each site is submitted to this office to guarantee the installation and maintenance of the required erosion and sediment controls. The bond for The Pinnacle is set at Fifty Thousand Dollars (\$50,000.00) and the bond for 6 Butler Street is set at Twenty Thousand Dollars (\$20,000.00). Regarding all non-cash bonds: Corporation Counsel and the Commission reserve the right to approve the surety as to form and issuing financial institution.

A Certificate of Zoning Compliance will not be issued until a surety to guarantee the installation of any incomplete improvements is submitted to this office. The contractor or owner is responsible for alerting this office regarding the status of any incomplete improvements prior to any request for a certificate of zoning compliance. The applicant must post a bond sufficient to cover the cost of any incomplete improvements or of any work that is not in compliance with City standards.

Prior to the issuance of a Certificate of Zoning Compliance, the applicant must file the revised development park agreements between the two south block parcels and the midblock, north block and east block in the Waypointe Design District Development Park allowing the transfer of development rights to permit shared parking between parcels and increases in permitted FAR, coverage and density. Prior to filing these documents on the Norwalk Land Records, the applicant must review the draft agreements with Corporation Counsel and obtain their approval. These filings must precede any request for a Certificate of Zoning Compliance.

Enclosed please find a copy of the Policy on Construction Inspection in the City of Norwalk and As-Built Plan requirements. You are responsible for obtaining permits from the Department of Public Works prior to any work in a street right-of-way. All work must comply with the standards for the City of Norwalk, whether or not those standards were specifically discussed in the process of reviewing the application.

Please relay the above information to the applicant and contact this office after the effective date shown above after the revised Development Park Data Accumulation Plan as revised to October 17, 2017 and the lot consolidation map merging the three parcels at 467 West Avenue, 3 Quincy St and 17 Butler St into one lot have been filed on the NLR. Once these filings have occurred, an application for a zoning permit may be requested. If you have any questions regarding the enclosed, please contact this office at (203) 854-7780.

Sincerely,



Steven Kleppin, Director
Planning & Zoning Commissions

enclosures

#4-17R – NW MFP Norwalk Town Center II, LLC – Amendments to Section 118-504 to revise Design District Development Park (DDDP) criteria for developments in Central Business Design District Subarea B and related technical amendments

Modified and approved October 18, 2017
Effective October 27, 2017

Amend Section 118-504 Central Business Design District D. Lot and building requirements to revise the Design District Development Park (DDDP) criteria shown in subsection D. (1) (g) below to read as follows:

D. Lot and building requirements.

(1) Subareas A, B and C. See the Schedule Limiting Height and Bulk of Buildings, Commercial and Industrial Uses, and all other applicable sections of these regulations and in addition:

(g) A design district development park shall be permitted in Subarea B, subject to the following criteria:

(1) Such design district development park shall be a mixed use project consisting of two (2) or more parcels in accordance with a design district development park master plan the limits of which are indicated on a survey detailing the lot area, floor area, residential density and parking for each parcel as shown on a zoning information table which:

[a] is approved by the Commission and subsequently filed on the Norwalk Land Records; and

[b] Any subsequent modification or change to the approved lot area, floor area, residential density and/or parking as depicted on the survey will require review and approval by the Commission; and

(2) A maximum floor area ratio of 2.0 as may be increased by bonus based upon the total acreage within the design district development park or a defined portion thereof. Bonus height or bonus floor area from one parcel or parcels may be transferred to another parcel or parcels within the design district development park, subject to approval by the Commission; and

(3) Multifamily dwellings shall require 500 square feet of lot area per dwelling unit based upon the total acreage within the design district development park or a defined portion thereof. A defined recreation area of one hundred fifty (150) square feet per dwelling unit shall be provided within the design district development park; and [Added effective 10-26-2007]

(4) The mixture of uses in a design district development park shall include a minimum of twenty-five thousand (25,000) square feet of theater, bowling alley, or other form of commercial recreation establishment use and a minimum of seventy thousand (70,000) square feet of active **personal service establishment**, retail and/or restaurant uses based on a design district development park of 15.5 acres maximum; and

(5) A “defined portion” of the design district development park shall mean two or more separate real estate parcels, pursuant to the Tax Assessor’s Map, that are grouped together as one development parcel within the design district development park for purposes of calculating floor area and residential density right; and

(6) A resolution of approval and site plan that has been approved by the Commission and referenced in its resolution of approval, shall be recorded on the Land Records. The site plan shall include the sharing rights among the various properties within the design district development park by way of a zoning information table.

NOTE: Text shown below is for reference only and is not part of the proposed text amendment

DESIGN DISTRICT DEVELOPMENT PARK -- A parcel or parcels of land, a minimum of ten (10) acres in area, for mixed use developments including two (2) or more of the following uses: office, retail, residential, hotel and related accessory uses, having or proposing more than one (1) building (whether or not buildings are connected by atrium or other type of common area), which is designed in a unified manner and which has common facilities, such as private interior motor vehicle ways and open space for use by occupants and invitees of the park. Development within a design district development park may include one (1) or more adjoining parcels whether or not separated by public street (s) provided that such parcels are developed in accordance with a design district development park master plan. Land previously conveyed or to be conveyed for public right-of-way purposes shall be included in all applicable area calculations (i.e. lot area, density, building coverage, far, etc.). [Added effective 10-26-2007]