

Norwalk Planning & Zoning Commission

125 East Avenue
Norwalk, Connecticut



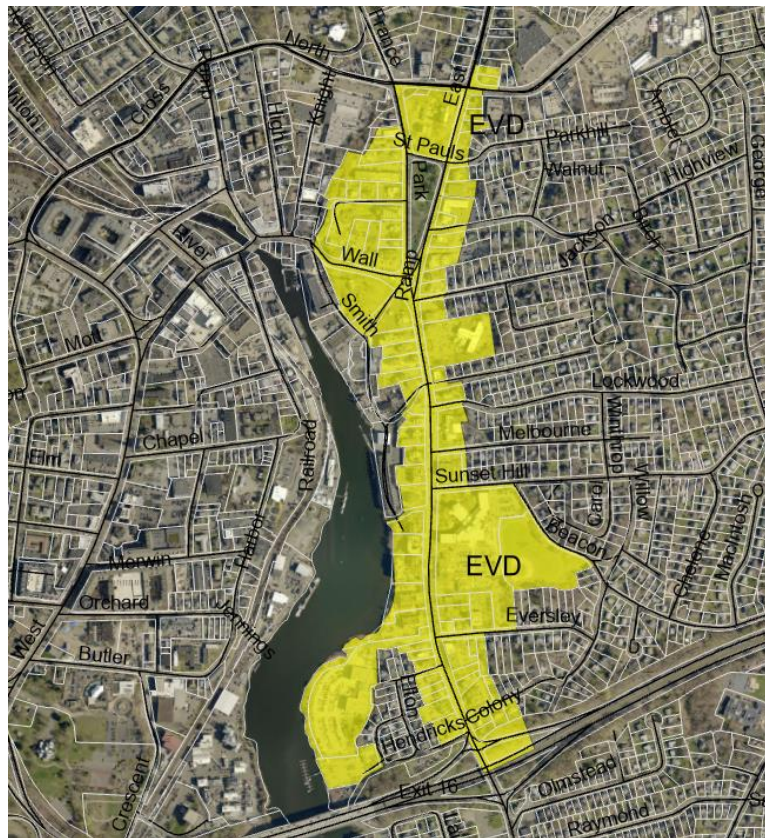
MEMORANDUM

May 18, 2022

TO: Planning & Zoning Commission - Louis Schulman, Chairman
FROM: Bryan Baker, Principal Planner
RE: #2022-17 R – The Norwalk Conservatory of the Arts – Zoning Regulation amendment to Sections 118-100, 118-500 and 118-1220 to add a “dormitory” use to the East Avenue Village District by Special Permit, “dormitory” definition and parking requirement

APPLICANT/OWNERS NAME/ADDRESS: The Norwalk Conservatory of the Arts

EXISTING CONDITIONS: The [East Avenue Village District](#) (EAVD) is mostly comprised of properties along East Avenue from Route 1 down to I-95. The EAVD was originally zoned as the Restricted Business Zone dating back to 1955 and was then re-zoned to the EAVD in 2003. As-of-right uses in the EAVD are limited to single-family detached dwellings, two-family detached dwellings and office buildings with less than 6,000sf. Various uses are permitted by special permit in the EAVD including uses such as offices over 6,000sf, multifamily dwellings and public and private colleges and universities. The EAVD is shown on the map below in yellow.



PROPOSED CONDITIONS: The applicant is proposing to amend three separate sections of the Building Zone Regulations with the purpose of creating a “dormitory” use and allowing the use by Special Permit in the EAVD. The three sections of the regulations that are proposed to be amended are:

1. Article 10, Definitions, Section 118-100. Definitions.
 - a. **Dormitory: a Building or Buildings containing a number of private or semiprivate sleeping quarters to be occupied by unrelated persons with shared facilities such as bathrooms and living rooms; associated with an educational institution. Separate cooking facilities are not provided for each of the sleeping quarters, but common eating facilities and related cooking facilities may be located in the Building.**
2. Article 50, Use Regulations Controlling Business Zones, Section 118-500. East Avenue Village District.
 - a. (c) Public and private colleges and universities, **including dormitories.**
3. Article 120, Off-Street Parking and Loading Regulations, Section 118-1220. Amount of motor vehicle parking space to be provided.

(3)(a) Multi-Family Residence	<ol style="list-style-type: none"> 1) 1.3 parking spaces per dwelling unit; 2) for mixed use developments, the greater of 1.3 parking spaces per residential unit or the aggregate, after applying any applicable mixed-use reductions listed in § 118-1220E, of the total required parking spaces for commercial uses and residential units parked at 1 space per unit
<p>(b) Residence (other)</p> <ol style="list-style-type: none"> (1) Planned residential development (2) Planned residential development, elderly (3) Congregate housing (4) Commercial planned residential development (5) Housing for the elderly (6) Artist Live/Work Space (7) Dormitories 	<p>2 parking spaces per dwelling unit</p> <p>1 parking space per 2 dwelling units</p> <p>1 parking space per 4 dwelling units</p> <p>1.5 parking spaces per studio or 1-bedroom dwelling unit; 2.0 parking spaces per 2-bedroom or larger dwelling unit (A dwelling unit with 4 or more rooms shall count as 2 bedrooms)</p> <p>1 parking space per unit</p> <p>0.5 parking spaces per unit</p> <p>0.5 parking spaces per dorm room</p>

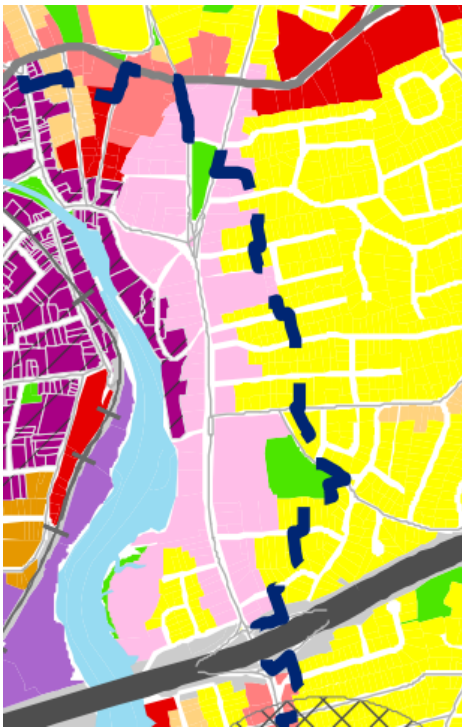
CONSISTENCY WITH POCD: One of the themes throughout the [Plan of Conservation and Development](#) (POCD) is the goal of recruiting a higher education presence to Norwalk Center. The Norwalk Conservatory of the Arts helps fulfill that goal with their intention of locating in Norwalk and providing a higher education performing arts education. An important part of the Conservatory’s ability to locate to Norwalk is permitting dormitories for their students, but as written today, the Building Zone Regulations are unclear on whether dormitories are permissible. By amending the regulations to add a definition of dormitory, permitting the use in the EAVD and assigning a parking calculation to the use, clear regulations are created allowing such a use to be permitted by the City. Below are excerpts from the POCD showing the city’s goal of attracting a higher education presence as well as the future land use map.

iv. **Attract a higher education presence in Norwalk Center.** This could be Norwalk Community College or another college or university presence. Business or arts departments or special centers are often particularly successful in bringing more vitality to downtowns.

2022-2029

Mayor;
Economic
Development;
NCC

Staff time;
possible
consultant



Mixed Use - Village

It is also important to note that part of the purpose and intent of the EAVD is to strengthen the economy of the city and promote education, pleasure and welfare of its people and that colleges and universities are permissible by special permit in the zone. Permitting dormitories would increase the viability of a higher education institution, such as the Conservatory, to locate to Norwalk. As the zoning regulation re-write is occurring, we are anticipating that dormitories will be an allowed use in most commercial areas in Norwalk. Given the reasons listed above, it is Staff’s opinion that the proposed text amendments are consistent with the POCD.

Staff did receive a letter from Attorney Adam Blank who suggested modifying the proposed language with removals shown by text that is ~~crossed-out~~ and additions in text that ***bold and italicized***:

1. Article 10, Definitions, Section 118-100. Definitions.

- a. Dormitory: a Building or Buildings containing a number of private or semiprivate sleeping quarters to be occupied by ~~unrelated persons~~ *students enrolled at the college or university* with shared facilities such as bathrooms and living rooms; ~~associated with~~ *owned, controlled and/or managed by* an educational institution *that is located within the City of Norwalk*. Separate cooking facilities are not provided for each of the sleeping quarters, but common eating facilities and related cooking facilities may be located in the Building.
2. Article 50, Use Regulations Controlling Business Zones, Section 118-500. East Avenue Village District.
- a. (c) Public and private colleges and universities, *including dormitories which are located within _____ feet of the college or university it serves classroom space.*

The changes suggested by Atty. Blank seem to be consistent with the intent of the applicant’s proposal and if the Commission agrees with the language, can vote to approve the text amendment with those revisions.

Below are three draft resolutions for the proposed text amendments:

Draft resolution to approve

**Whereas the Norwalk Planning & Zoning Commission held a public hearing on this application on March 18, 2022;*

**Whereas the Norwalk Planning & Zoning Commission has received a finding of consistency with the Harbor Management Plan from the Norwalk Harbor Management Commission;*

**Whereas the Norwalk Planning & Zoning Commission has received a finding of consistency with the Coastal Area Management Act from the Connecticut Department of Energy and Environmental Protection;*

**Whereas the Norwalk Planning & Zoning Commission has found that the proposed text amendment is consistent with the Norwalk Plan of Conservation and Development;*

THEREFORE BE IT RESOLVED by the Norwalk Planning & Zoning Commission that application #2022-17 R – The Norwalk Conservatory of the Arts – Zoning Regulation amendment to Sections 118-100, 118-500 and 118-1220 to add a “dormitory” use to the East Avenue Village District by Special Permit, “dormitory” definition and parking requirement be **APPROVED**.

BE IT FURTHER RESOLVED that the approved language is the following:

1. Article 10, Definitions, Section 118-100. Definitions.
 - a. Dormitory: a Building or Buildings containing a number of private or semiprivate sleeping quarters to be occupied by unrelated persons with shared facilities such as bathrooms and living rooms; associated with an educational institution. Separate cooking facilities are not provided for each of the sleeping quarters, but common eating facilities and related cooking facilities may be located in the Building.
2. Article 50, Use Regulations Controlling Business Zones, Section 118-500. East Avenue Village District.

(c) Public and private colleges and universities, **including dormitories.**

3. Article 120, Off-Street Parking and Loading Regulations, Section 118-1220. Amount of motor vehicle parking space to be provided.

<p>(3)(a) Multi-Family Residence</p>	<p>1) 1.3 parking spaces per dwelling unit;</p> <p>2) for mixed use developments, the greater of 1.3 parking spaces per residential unit or the aggregate, after applying any applicable mixed-use reductions listed in § 118-1220E, of the total required parking spaces for commercial uses and residential units parked at 1 space per unit</p>
<p>(b) Residence (other)</p> <p>(1) Planned residential development</p> <p>(2) Planned residential development, elderly</p> <p>(3) Congregate housing</p> <p>(4) Commercial planned residential development</p> <p>(5) Housing for the elderly</p> <p>(6) Artist Live/Work Space</p> <p>(7) Dormitories</p>	<p>2 parking spaces per dwelling unit</p> <p>1 parking space per 2 dwelling units</p> <p>1 parking space per 4 dwelling units</p> <p>1.5 parking spaces per studio or 1-bedroom dwelling unit; 2.0 parking spaces per 2-bedroom or larger dwelling unit (A dwelling unit with 4 or more rooms shall count as 2 bedrooms)</p> <p>1 parking space per unit</p> <p>0.5 parking spaces per unit</p> <p>0.5 parking spaces per dorm room</p>

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

1. To achieve the Plan of Conservation and Development goal for Norwalk to, “*Continue to strengthen Norwalk’s urban core with a mix of uses to attract residents, visitors and businesses*” (Chapter 3: Prosperity & Opportunity); and
2. To enact the Plan of Conservation and Development policy for Norwalk to, “*Pursue a college or university center to locate downtown*” (Chapter 3: Prosperity & Opportunity); and
3. To achieve the Plan of Conservation and Development action for Norwalk to, “*Attract a higher education presence in Norwalk Center*” (Chapter 3: Prosperity & Opportunity);

- a. That the Plan of Conservation and Development specifies that Business or arts departments or special centers are often particularly successful in bringing more vitality to downtown.

BE IT FURTHER RESOLVED that the effective date of this action is May 27, 2022.

Draft resolution to approve with modifications

**Whereas the Norwalk Planning & Zoning Commission held a public hearing on this application on March 18, 2022;*

**Whereas the Norwalk Planning & Zoning Commission has received a finding of consistency with the Harbor Management Plan from the Norwalk Harbor Management Commission;*

**Whereas the Norwalk Planning & Zoning Commission has received a finding of consistency with the Coastal Area Management Act from the Connecticut Department of Energy and Environmental Protection;*

**Whereas the Norwalk Planning & Zoning Commission has found that the proposed text amendment is consistent with the Norwalk Plan of Conservation and Development;*

THEREFORE BE IT RESOLVED by the Norwalk Planning & Zoning Commission that application #2022-17 R – The Norwalk Conservatory of the Arts – Zoning Regulation amendment to Sections 118-100, 118-500 and 118-1220 to add a “dormitory” use to the East Avenue Village District by Special Permit, “dormitory” definition and parking requirement be **APPROVED**.

BE IT FURTHER RESOLVED that the approved language is the following:

Article 10, Definitions, Section 118-100. Definitions.

- a. **Dormitory: a Building or Buildings containing a number of private or semiprivate sleeping quarters to be occupied by *students enrolled at the college or university* with shared facilities such as bathrooms and living rooms; *owned, controlled and/or managed by an educational institution that is located within the City of Norwalk*. Separate cooking facilities are not provided for each of the sleeping quarters, but common eating facilities and related cooking facilities may be located in the Building.**
- 4. Article 50, Use Regulations Controlling Business Zones, Section 118-500. East Avenue Village District.
 - (c) Public and private colleges and universities, **including dormitories *which are located within _____ feet of the college or university it serves classroom space.***
- 5. Article 120, Off-Street Parking and Loading Regulations, Section 118-1220. Amount of motor vehicle parking space to be provided.

(3)(a) Multi-Family Residence	1) 1.3 parking spaces per dwelling unit;
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	2) for mixed use developments, the greater of 1.3 parking spaces per residential unit or the aggregate, after applying any applicable mixed-use reductions listed in § 118-1220E, of the total required parking spaces for commercial uses and residential units parked at 1 space per unit
(b) Residence (other)	
(1) Planned residential development	2 parking spaces per dwelling unit
(2) Planned residential development, elderly	1 parking space per 2 dwelling units
(3) Congregate housing	1 parking space per 4 dwelling units
(4) Commercial planned residential development	1.5 parking spaces per studio or 1-bedroom dwelling unit; 2.0 parking spaces per 2-bedroom or larger dwelling unit (A dwelling unit with 4 or more rooms shall count as 2 bedrooms)
(5) Housing for the elderly	1 parking space per unit
(6) Artist Live/Work Space	0.5 parking spaces per unit
(7) Dormitories	0.5 parking spaces per dorm room

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

4. To achieve the Plan of Conservation and Development goal for Norwalk to, “*Continue to strengthen Norwalk’s urban core with a mix of uses to attract residents, visitors and businesses*” (Chapter 3: Prosperity & Opportunity); and
5. To enact the Plan of Conservation and Development policy for Norwalk to, “*Pursue a college or university center to locate downtown*” (Chapter 3: Prosperity & Opportunity); and
6. To achieve the Plan of Conservation and Development action for Norwalk to, “*Attract a higher education presence in Norwalk Center*” (Chapter 3: Prosperity & Opportunity);
 - a. That the Plan of Conservation and Development specifies that Business or arts departments or special centers are often particularly successful in bringing more vitality to downtown.

BE IT FURTHER RESOLVED that the effective date of this action is May 27, 2022.

Draft resolution to deny

THEREFORE BE IT RESOLVED by the Norwalk Planning & Zoning Commission that application #2022-17 R – The Norwalk Conservatory of the Arts – Zoning Regulation amendment to Sections 118-100, 118-500 and 118-1220 to add a “dormitory” use to the East Avenue Village District by Special Permit, “dormitory” definition and parking requirement be **DENIED**.

BE IT FURTHER RESOLVED that the reasons for denial are the following:

- 1.
- 2.

BE IT FURTHER RESOLVED that the effective date of this action is May 27, 2022.