

TOWN OF BROOKFIELD

ZONING COMMISSION

APPLICATION FOR ZONE OR REGULATION CHANGE

Applicant:

See Exhibit A attached hereto. _____

Phone #: _____

Contact Person: _____

Phone #: _____

Land Owner of Record: (if for specific parcel)

See Exhibit A attached hereto. _____

Phone #: _____

Contact Person: _____

Phone #: _____

Boundary Change: *

- A. Two (2) copies of an official zoning map are attached hereto indicating:
 - (i) The area for which the change is requested.
 - (ii) The proposed boundary lines and narrative description of the boundaries.
- B. The current Zone Designation is: TCD
- C. The proposed Zone Designation is: R-RHOW
- D. Rationale for the requested change is attached. (See Exhibit B attached hereto.)
- E. A list of adjacent property owners is attached. (See Exhibit C attached hereto.)

Regulation Change:

- A. The current Section Number is: N/A The current text reads:

- B. The Proposed Section Number is: N/A. The proposed text or deletion is:

- C. Rationale for the requested change is attached.

Applicant Signature and Representation:

I apply herewith for a change in the Zoning Regulation of the Town of Brookfield in accordance with Chapter 124, Section 8-3 of the Connecticut General Statutes.

Applicant's Signature: See signature page attached hereto.

Land Owner's Signature: See signature page attached hereto.

(For Zone Change Applications)

***This application is being submitted pursuant to Section 8-30g and all of Chapter 126A of the Connecticut General Statutes entitled "Affordable Housing Land Use Appeals."**

Revised 3/20/13

BROOKFIELD ZONING COMMISSION

Decision Criteria – Zone Change Request

I. <u>ALTERNATE LAND USE IMPACTS:</u>	<u>Residential</u>	<u>Other</u>	<u>Industrial</u>
A. <u>Density of Development:</u>			
Total Acreage	_____	_____	_____
Less: Circulation, Slopes, Wetlands	(_____)	(_____)	(_____)
Available for Development	_____	_____	_____
Number of Sites/Units	_____	_____	N/A
TOTAL Square Feet	N/A	N/A	_____
B. <u>Water Demand:</u>			
100 gpd X ____ heads X sites	_____	_____	N/A
20 gpd X ____ employees	N/A	N/A	_____
____ gpd, other uses	N/A	_____	_____
TOTAL	_____	_____	_____
C. <u>Traffic:</u>			
____ TPD x ____ SITES/UNITS	_____	_____	N/A
____ TPD x k Sq. Ft.	N/A	_____	_____
TOTAL	_____	_____	_____
D. <u>Taxes (Estimates):</u>			
Land Cost	_____	_____	_____
____ Sq. Ft. X ____/Sq. Ft.	_____	_____	_____
TOTAL COST	_____	_____	_____
Valuation Factor	X ____ .7	X ____ .7	X ____ .7
Assessed Valuation	_____	_____	_____
Less Educ. Exp. (\$7K/student)	(_____)	(_____)	N/A
Balance for other Town Svc.	_____	_____	_____
Assessed Valuation	_____	_____	_____
Number of Units	X _____	X _____	X _____
TOTAL REVENUE	_____	_____	_____

E. Other Impacts:

II. PROJECT PRO'S and CON'S:

PRO

CON

III. CHANGE CRITERIA:

A. Mistake Doctrine: Yes _____ No _____

Explain: _____

B. Change in Circumstance of Condition: Yes _____ No _____

Explain: _____

C. Spot Zoning Test: Yes _____ No _____

Explain: _____

D. Benefit to Applicant vs. General Welfare:

E. Highest and Best Use:

Not a deciding factor: _____

F. Comprehensive Plan:

(Relate to Specific Purposes of Zoning per Section 242-101 and applicable section of Industrial and Commercial Districts, see paragraph IV, following)

IV. COMPREHENSIVE PLAN – PURPOSES OF ZONING (242-101):*

- A. 1. Most beneficial and convenient relationship among uses. _____
2. Suitability of each area for such uses. _____

- B. 1. Adequate light, air, fire safety, flood risk. _____
2. Overcrowding of land. _____
3. Undue concentration of population. _____

- C. 1. Conserve character and environment. _____
2. Social and economic stability. _____

- D. 1. Conserve value of land and building in the District. _____

- E. 1. General conformity of uses. _____
2. Minimize conflicts among uses. _____

- F. 1. Promote good traffic circulation. _____
2. Avoid traffic congestion. _____
3. Promote traffic safety. _____

- G. 1. Provide guide for required services. _____
2. Provide guide for investment/development opportunities. _____

- H. 1. Availability of present/future service capacity. _____
Re: Transportation, water, schools, open space, etc. _____

- I. 1. Prevent pollution of watercourses. _____
2. Safeguard water table. _____
3. Avoid runoff and flood damage. _____
4. Manage natural resources. _____
5. Retain natural features to maintain stability of land and building values. _____

*NOTE: Is the reviewer inclined either positively or negatively when considering the proposal against each item cited above, and then, on-balance, which way overall is the reviewer inclined?

ZONE CHANGE PROPOSALS

Questions to be Answered by Applicant*

1. a.) Do you consider a mistake was made in the initial zoning of the property in question?
b.) If your answer to the above is affirmative, what is the nature of said mistake?
2. Do you consider there has been a substantial change in circumstances or conditions affecting the property in question or its immediate surroundings?
3. Refer to the stated purposes of the zone in question.
 - a.) How does each aspect of this stated purpose relate to your proposal?
 - b.) Has the WPCA rendered an opinion as to the possible extension of the sewer line to service your project?
 - c.) Are you aware that since this would be an expansion of a municipal service, it requires the approval of the Planning Commission?
4. Relative to your proposal, state why you consider the benefit to the Town at large is greater than the benefit to the applicant.
5. How would you offset any adverse impact on the surrounding residential property owners, especially any potential for the diminution of property values?
6. Is the applicant fully aware that although a use within a zone is permitted by the regulations, there is no guarantee that this particular use will meet all the requirements of the Design Review Process?
7. If the Commission were to approve your application, what reasons would you consider appropriate for rendering such a decision?

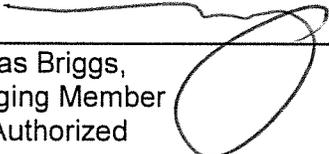
*These questions are addressed in cover letter narrative and Exhibit B. They will be further addressed during the Application review process.

Signature Page for Zone Change Application
Dated: October 7, 2015

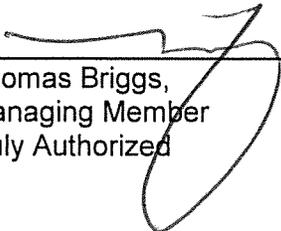
777 Federal Road (Owners / Applicants):

Branhaven River and Farm Properties,
L.L.C.

Torrington Arms Apartments LLC



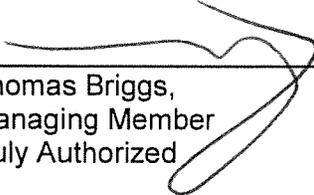
Thomas Briggs,
Managing Member
Duly Authorized



Thomas Briggs,
Managing Member
Duly Authorized

763 Federal Road (Owner / Applicant):

Skelmorlie, LLC



Thomas Briggs,
Managing Member
Duly Authorized

Exhibit A

Applicants and Land Owners of Record:

777 Federal Road:

Branhaven River and Farm Properties, L.L.C. and
Torrington Arms Apartments LLC
705 North Mountain Road, Suite G105
Newington, CT 06111
Contact Person: Thomas Briggs, Managing Member
Phone No.: 860-436-9955

763 Federal Road:

Skelmorlie, LLC
705 North Mountain Road, Suite G105
Newington, CT 06111
Contact Person: Thomas Briggs, Managing Member
Phone No.: 860-436-9955

Agent:

Christopher J. Smith, Esq.
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919
Phone No.: 860-251-5606
Fax No.: 860-251-5318
cjsmith@goodwin.com

EXHIBIT B

Section 8-30g of the Connecticut General Statutes, Connecticut's Affordable Housing Land Use Appeals Act, has been in place for more than 20 years, and during that time, a model for zoning approvals for mixed-income development that has been used successfully across the state, including in Bethany, Oxford, Milford, Madison, Newtown, Wallingford, Darien, Avon, Monroe, New Milford, Newtown, Norwalk, Orange, Ridgefield, Simsbury, Westport, Hamden, Fairfield and Wilton. These applications follow this established model; the applicant applies for: (1) the adoption of a new special district regulation, in this Application, the "Residential-Rental Housing Opportunity/Workforce Zone District;" (2) rezoning of the subject property to this new zone district; and (3) site plan approval for the development. This three-part approval will ensure that the site plan is governed by a clear set of land use and dimensional regulations.

The proposed regulation includes administrative rules for the apartments that will be subject to long-term rent restrictions, and these rules are spelled out further in an accompanying Housing Affordability Plan.

It should be noted that the Residential-Rental Housing Opportunity/Workforce Zone District ("R-RHOW") regulation has been drafted for this application and applies only to the subject properties, so as to allow the Zoning Commission to consider this application without having to review the potential application of the regulation to other properties. In other words, while the Commission has the option at any time to make more properties subject to this new R-RHOW regulation, this application does not require that analysis at this time.

The Town of Brookfield, like other municipalities in the region, has an acute need for more housing that is available to moderate income households.

Although the so-called "Ten Percent List," maintained by the Connecticut Department of Housing ("DOH") to identify which municipalities are permanently exempt from General Statutes § 8-30g, is not strictly speaking a measure of housing need, it is an indication of a municipality's lower-cost housing stock relative to other municipalities in the state. In this regard, Brookfield has approximately 6,562 dwellings. With only 2.44 percent of the Town's housing stock being governmentally-assisted or deed-restricted in compliance with § 8-30g (as shown on the 2014 Affordable Housing Appeals List), Brookfield's affordable housing falls far short of the ten percent exemption threshold.

Brookfield's current Zoning Regulations do not permit the proposed residential community. Therefore, the Applicant proposes a zone text amendment that creates a new zone district designated as Residential-Rental Housing Opportunity/Workforce Zone District ("R-RHOW"). The intent of the proposed R-RHOW Zone is to permit the

creative conversion of existing uses in a manner that will conserve the natural features of a property, while providing an affordable or workforce housing component pursuant to Section 8-30g. For example, the Applicant's proposal provides that thirty (30%) of the total number of dwellings, or forty-seven (47) dwellings, will be rented at certain prices for a period of forty years.

The Applicant also requests that if the R-RHOW Zone is adopted, that the Commission re-zone the subject properties to the R-RHOW Zone. This rezoning will permit, subject to site plan review and approval by the Commission, the proposed The Renaissance residential community on the subject property. The proposed community is located within the subject property's existing development area, provides better stormwater quality measures, and utilizes the same public sewer, water and road access as currently utilized by the properties. The proposal provides for a meaningful conversion or adaptive reuse of the subject property. The proposed zone change will not adversely impact the values of adjacent properties. The proposed residential community includes an affordable or workforce housing component as provided by Section 8-30g. This component results in forty-seven (47) new workforce home opportunities for the citizens of Brookfield. For the foregoing reasons, the proposal is consistent with the Town Plan of Conservation and Development.