



DEPARTMENT OF DEVELOPMENT SERVICES – PLANNING DIVISION
REPORT: Subdivision of property located at 55 Elm Street for consideration at the February 22nd, 2022, Planning & Zoning Commission Meeting

STAFF REPORT

TO: Planning & Zoning Commission
PREPARED BY: Evelyne St-Louis, Senior Planner
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PROJECT: 55 Elm Street
PARCEL ID: 247-448-047
P&Z-COMM-2022-0566

ZONE: MX-2, Multi-Use Mix District with Campus Overlay
Elm Street National Historic District

TYPE: Proposed Subdivision Pursuant to the City of Hartford Subdivision Regulations, last amended September 27, 2016, and Hartford Zoning Regulations Section 5.1.5

APPLICANT: Spinnaker Real Estate Partners, LLC / 55 Elm St LLC

OWNER: Spinnaker Real Estate Partners, LLC / 55 Elm St LLC

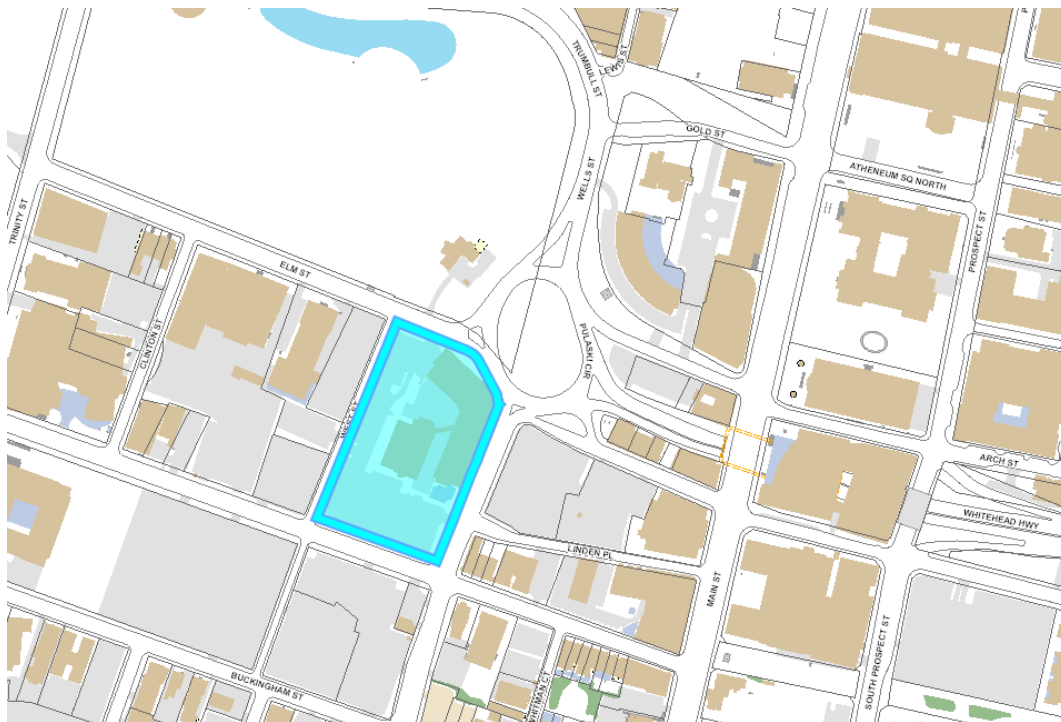


Figure 1. Location of 55 Elm Street (City of Hartford GIS, 2022)

BACKGROUND INFORMATION

The applicant is requesting to subdivide a single parcel, currently known as 55 Elm Street, into three (3) lots. The land occupies the area between Elm Street/Pulaski Circle to the north, Hudson Street to the east, Capitol Avenue to the south, and West Street to the west. The site is currently occupied by two historic buildings and surface parking.

Prior approvals and upcoming applications for this property are listed below:

- A request to rezone the property from MX-2 to MX-2 with Campus Overlay was approved by the Planning & Zoning Commission (PZC) on December 14, 2021 (COMM- 2021-0541).
- A special permit for a master plan was approved by the PZC on January 11, 2022 (COMM-2021-0535). The master plan includes three phases: Phase 1 is for the renovation and conversion of the two existing buildings from office to mixed-use; Phases 2 and 3 are for the construction of three new residential buildings with ground-floor commercial space.
- A site plan application for Phase 1 was approved by the Historic Preservation Commission on November 18, 2020 (COMM-2020-0289) and by the Zoning Administrator on March 18, 2021 (ADMIN-2020-1443). A zoning permit was approved on January 20, 2022 to replace the hotel suites with residential apartments (ADMIN-2022-2790).
- The applicant has not yet submitted site plan applications for Phases 2 and 3. Commission-level historic review, as well as administrative zoning review, will be required before any construction can commence on these portions of the site.

The intention of this proposed subdivision is to facilitate the phased development of the master plan and to make it easier for the developer to obtain various sources of funding and financing.

KEY APPLICATION TIMELINES

- Application Submission Date: Friday January 21, 2022
- Date Application Accepted as Complete: Friday January 21, 2022
- Application Date of Receipt: Tuesday February 8, 2022 (sooner of either: date of next regularly scheduled meeting, or 35 days after acceptance of complete application)
- Public Hearing scheduled to open: Tuesday February 22, 2022; Open Hearing Deadline: Thursday April 14, 2022.
- Close Hearing Deadline (if opens Tuesday February 22, 2022): (35 days after opening) Tuesday, March 29, 2022.
- CT General Statutes Sec.8-7D allow that the applicant may consent to one or more extensions of time, provided the total extension of all time periods shall not be for longer than 65 days.

LEGAL STANDARD

Standard for Application Type:

The Commission prepares and files surveys, maps, or plans of proposed highways, streets, sidewalks, or relocation of same, or of any building or veranda lines in accordance with 8-29 of the general statutes and section 1.3.11 of the Zoning Regulations. In exercising the power relating to highways, streets, and sidewalks, the Commission must consider: harmony with the plan of conservation & development; compliance with the purposes of the district; effect on existing development; creation of safety hazards in vehicular and pedestrian circulation; effects

on traffic; impact on essential services; impact on wetlands, steep slopes, floodplains, and hilltops; preservation of unique natural or historical features; impact on the environment (including pollution of air and water, unnecessary erosion and sedimentation); impact on ecosystems and wildlife habitat; and impact on stormwater runoff and flood hazards.

STANDARD SPECIFIC TO THE USE

City of Hartford Subdivision Regulations

- Sec. 4: Definitions
- Sec. 12: Filing requirements
- Sec. 30: General requirements
- Sec. 64: Vehicular access to lots
- Sec. 69: Easements

City of Hartford Zoning Regulations

- Section 4.8.2 General Building Type Regulations
- Section 5.1 Campus Overlay (see **Attachment 1** for entire section)
- Section 5.1.5 Buildings & Lots Individually Sold: Individual buildings and lots may be sold during the construction of or following the completion of a Campus Overlay development, in accordance with the subdivision regulations.

FINDING OF FACTS

Subject property:

- Lot size: 3.22 acres.
- Zoned MX-2, Multi-Use Mix district with Campus Overlay.
- Located in the Elm Street National Historic District.
- Located in the Bushnell South Transformative Project Area, one of ten Transformative Project Areas identified in the City’s Plan of Conservation and Development (POCD).

Proposed subdivision:

- The three proposed new lots are mapped in Figure 2 and summarized in Table 1 below. The proposed lots correspond to the three phases of the master plan.
- The proposed access easement and no-build easement between proposed lot 1 and proposed lot 2 are also shown in Figure 2. The easement agreement language is included in the application package.
- For context, the site plan and phasing of the previously approved master plan are shown in Figures 3 and 4.

	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3
Address	55 Elm Street	65 Elm Street	100 Capitol Avenue
Lot size	1.60 acres	0.65 acres	0.97 acres
Existing condition	Occupied by 2 historic buildings	Surface parking	Surface parking
Master plan phase	Phase 1: rehab & conversion of existing buildings	Phase 2: development of a new residential building with ground floor commercial	Phase 3 (development of two new residential buildings with ground floor commercial)

Table 1. Three new lots under proposed subdivision

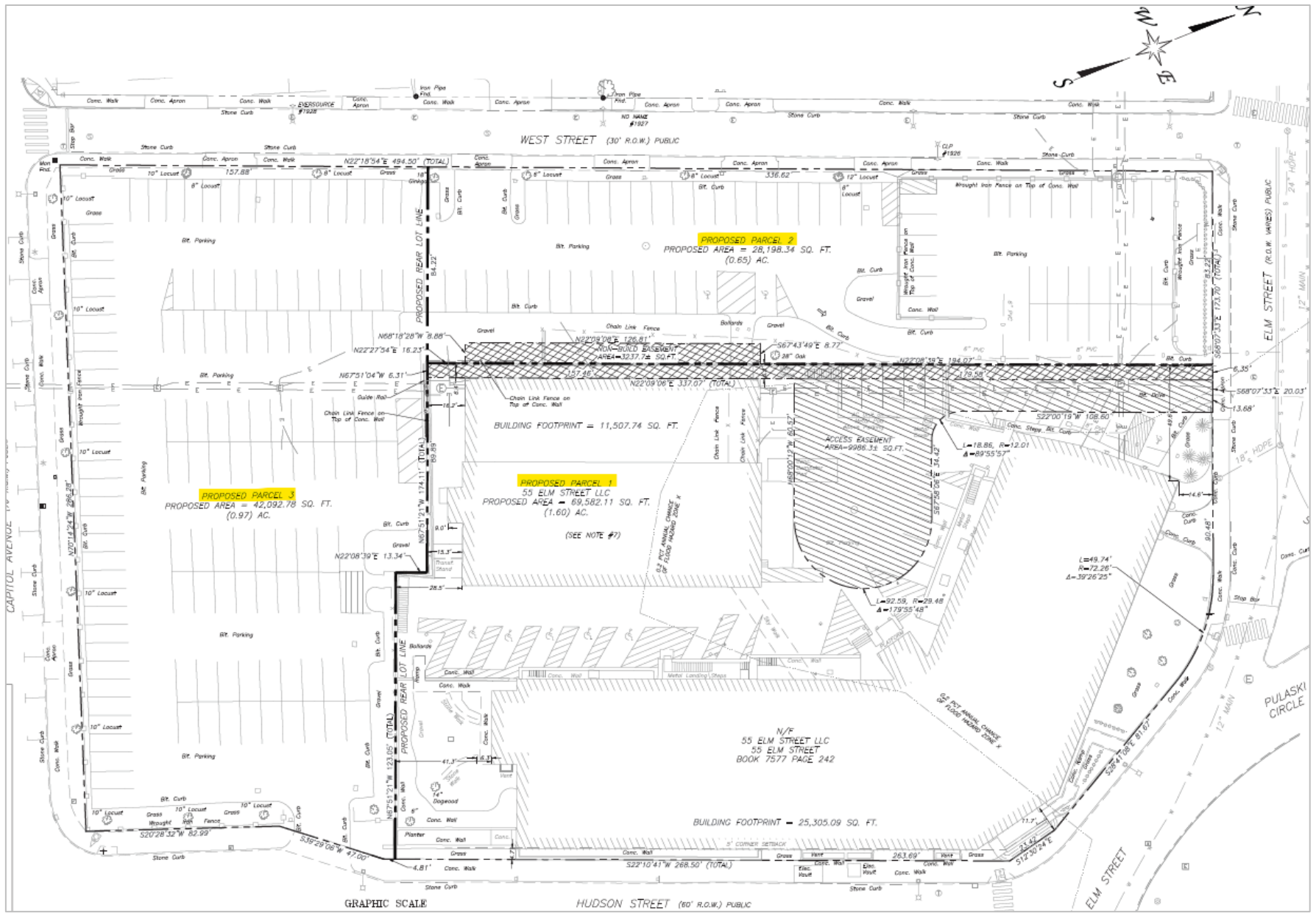


Figure 2. Proposed subdivision and easements (submitted by Spinnaker Real Estate, dated January 25, 2022)

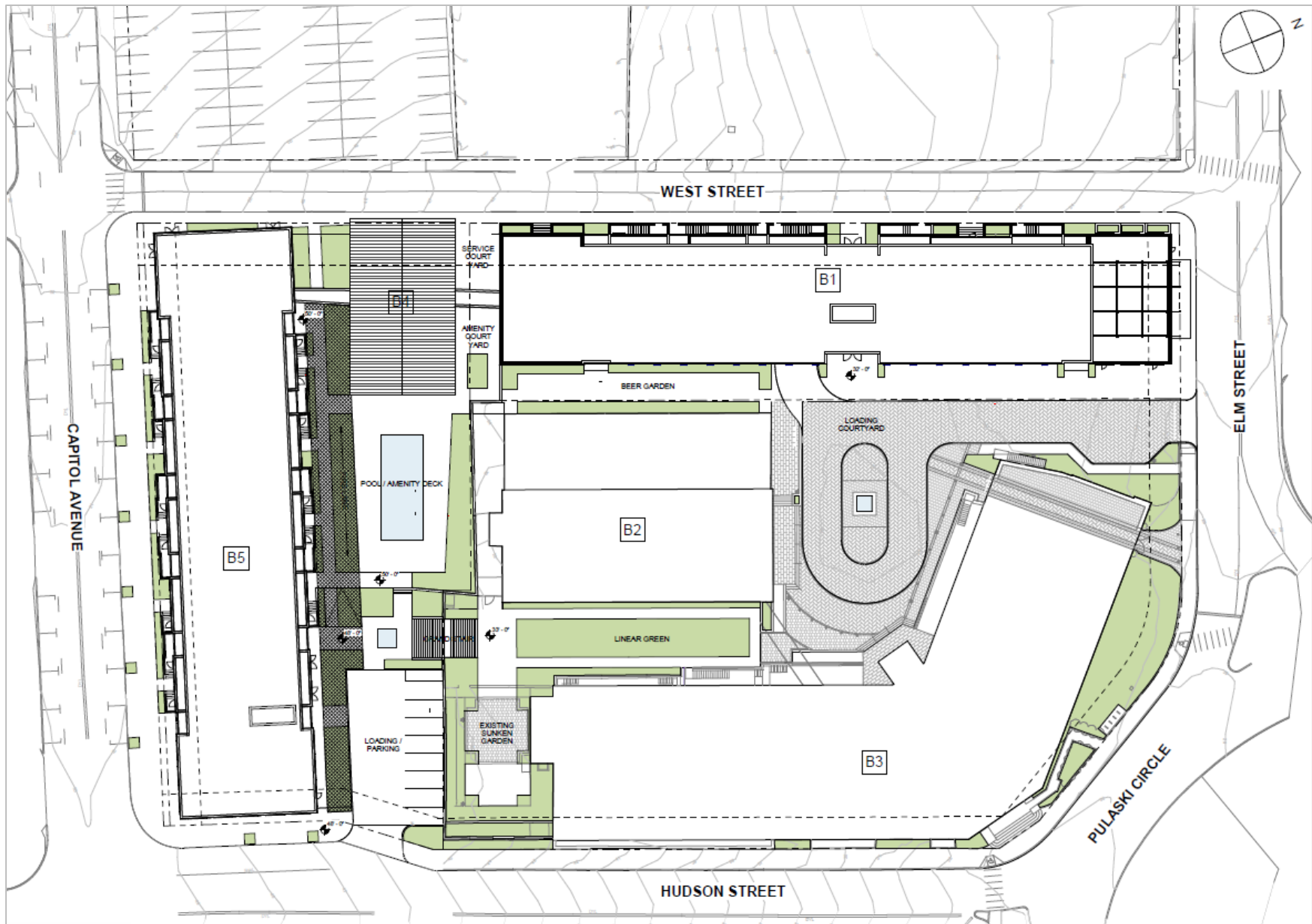


Figure 3. Site plan of approved master plan (submitted by Spinnaker Real Estate, dated December 17, 2021)

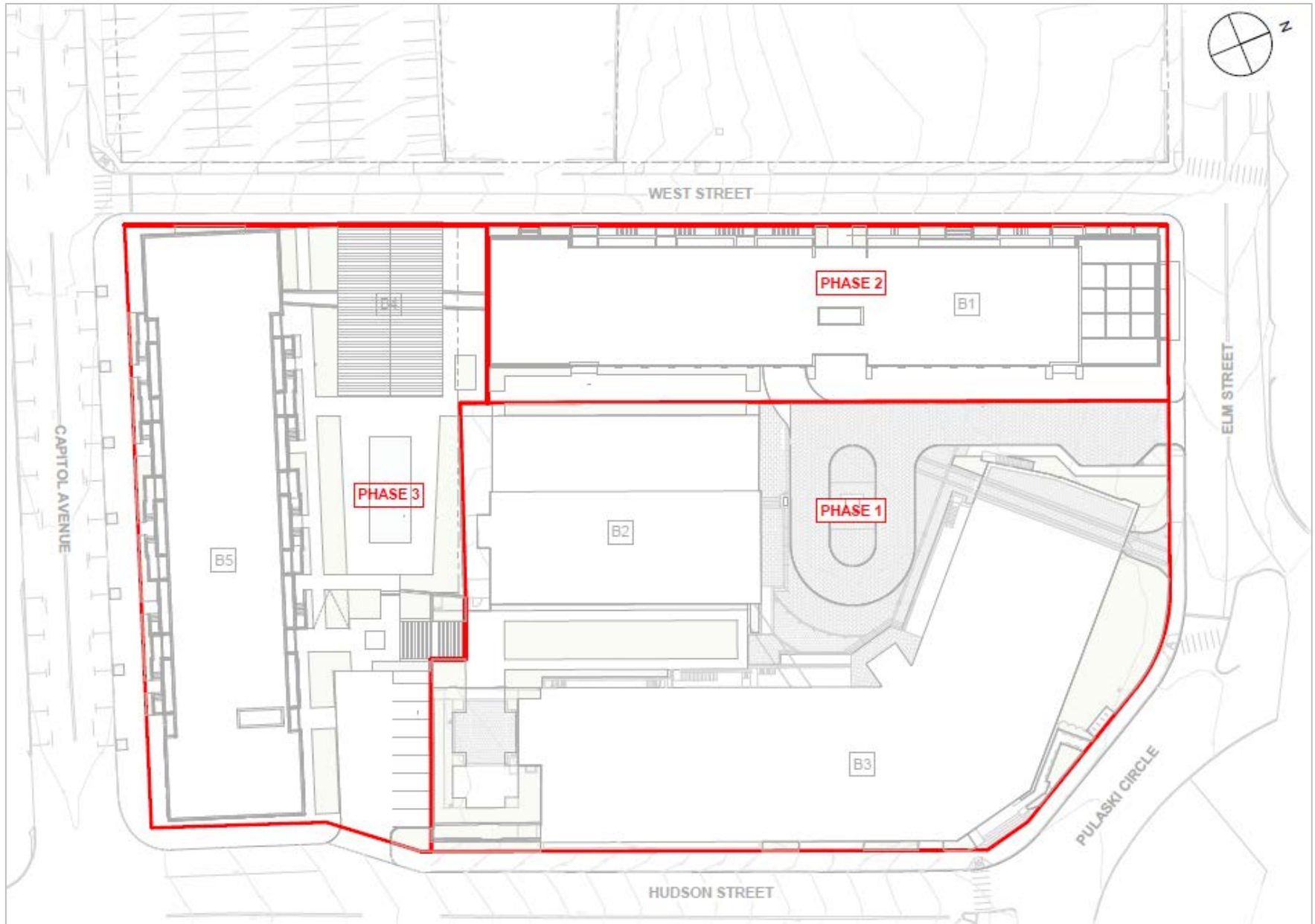


Figure 4. Phasing of approved master plan (submitted by Spinnaker Real Estate, dated December 17, 2021)

COMMENTS RECEIVED (DEPARTMENTS, AGENCIES, NRZs, PUBLIC)

The SODO NRZ was notified of this application on February 2, 2022. As of the time of writing, no comments had been received from the NRZ. The City's Corporation Counsel reviewed the application, including the easement agreements, and did not have any comments to provide.

ANALYSIS

The applicant is requesting to create three lots suitable for the development of General Building types structures consistent with the intentions of the Campus Overlay. By proposing three lots, this request is considered a subdivision subject to Hartford's Subdivision Regulations. The Subdivision Regulations require that the application meet certain minimum submission requirements. The proposal must also meet the Subdivision Regulations' design and process requirements and must further the goals of the Plan of Conservation & Development (POCD).

POCD Goals

As described in previous staff reports for 55 Elm Street, the proposed subdivision and master plan will help achieve several goals listed in the POCD. Most noteworthy, this parcel is a key development site of the Bushnell South area, one of the POCD's ten Transformative Project Areas. The goal of Bushnell South is to "transform high-opportunity, empty blocks into a new, mixed-use, mid-rise neighborhood and arts and entertainment district, linking Main Street to the Capitol, and Park Street to Bushnell Park." Staff finds that the subdivision and master plan are consistent with this goal and with the POCD's future land use designation for this site (Medium-Density Mixed-Use, 3-6 stories).

The proposed master plan would also help realize other goals listed in the POCD, including phasing out parking lots to promote development (Grow400); encouraging infill development on vacant and underutilized lots across the city (Grow400); building 5,000 new housing units (Live400); and connecting a network of safe paths and upgraded sidewalks and crosswalks (Move400).

Subdivision Regulations: Submission Requirements

Section 12 of the Subdivision Regulations lists the documents that must be submitted in order for an application to be considered complete by the PZC. The applicant has submitted the required documentation, as follows:

- A subdivision plan that meets the requirements of Section 110.
- Letters from the Metropolitan District Commission (MDC), Connecticut Natural Gas (CNG), and Eversource stating that the preliminary subdivision plan has been reviewed by said agencies and confirming that the proposed development can be connected to, and served by, each of these utility companies.
- A description of access to public transportation opportunities.
- A statement regarding the traffic study, stating that the proposed subdivision is not contemplating any physical improvements to the street design and that all future site plan applications will be subject to full review. While this does not constitute a full traffic study, staff deemed this statement to be sufficient given the type of project envisioned.
- A stormwater management plan and a soil erosion and sediment control plan. Note that both of these plans only include work affecting primarily the proposed lot 1 (i.e., Phase 1 of the master plan). The applicant has stated that no further improvements are proposed at this stage for proposed lots 2 and 3. Any future work related to stormwater management and sediment/erosion control will be reviewed at the site plan application stage.

Subdivision Regulations: Policies and Design Standards

The Subdivision Regulations provide guidance on subdivision design standards and lot layout. Staff finds that the proposed subdivision generally meets these requirements, as described below.

- Pursuant to Sec. 30, the proposed parcel is not considered an unsuitable site due to flooding, bad drainage, or traffic safety concerns. The site does not have significant natural features, such as wetlands or stands of trees.
- Pursuant to Sec. 30, the subdivision will provide adequate opportunities for bike/pedestrian transportation and access to public transportation.
- Pursuant to Sec. 30, the proposed subdivision will not create any new nonconformities – this is described in more detail in the following section.
- Pursuant to Sec. 31, the PZC may require the subdivider to contribute to open space, playground, or park needs of the community. However, staff finds that this is not warranted given proximity to Bushnell Park and that the applicant’s master plan includes several outdoor spaces for use by residents and/or patrons of the ground-floor commercial spaces.
- The subdivision does not have any common use facilities and therefore does not require any maintenance agreements as prescribed in Sec. 36.
- Sec. 51-57 do not apply as the proposed subdivision will not create new streets.
- The proposed subdivision meets the requirements of Sec. 58-63 related to block & lot layout, block length, block width, lot size, corner lots, and lot lines.
- The proposed subdivision meets the requirements of Sec. 64 related to vehicular access. Proposed lots 1 and 3 will be served by their own driveway; proposed lot 2 will have a shared access easement with lot 1 (see Figure 2 above). Pursuant to Sec. 69, the easement is included in the application package and will be filed with the city clerk concurrently with the final plan. Note that the subdivision also includes a no-build easement between proposed lot 1 and lot 2. No easements with the city or public utility companies are required.

Zoning Regulations

The staff report prepared for the recently approved master plan (COMM-2021-0535) includes a detailed analysis of how the proposed master plan development meets the zoning criteria for Campus Overlays, including lot configuration, building siting, building height, parking, and use requirements pursuant to Section 5.1. No new nonconformities will be created by the proposed subdivision, and the master plan as proposed complies with the required Zoning Regulations.

Furthermore, the proposed access easement and no-build easement meet the spirit and intent of the Campus Overlay. This was a condition of approval for the master plan’s special permit.

Finally, it is worth noting that if the parcels are subdivided as proposed, but the approved master plan development changes or does not occur, the newly created lots will still be viable for development and will not prove difficult to develop in compliance with the Zoning Regulations. The building types permitted in the MX-2 district include: General Building, Civic Building, Apartment Building, Row Building, and House Type A. It would be feasible to develop most of these building types on the proposed lots 2 and 3 given that: (1) the lots meet the minimum lot width requirements (or, in the case of some building types, there is no minimum lot width), and (2) the flexibility granted by the Campus Overlay on how to apply the building type requirements would still apply.

Other Comments

Staff is providing the following updates as a follow-up to questions raised by the Commissioners at the January 11, 2022 Planning and Zoning Commission meeting.

- The applicant is exploring whether to reposition building B1 (fronting West Street) by moving it back within the required build-to zone. The applicant has confirmed that they will not need to revise the existing building/veranda line.
- There is possible interest from the City in closing the right-turn lane on Hudson Street to create a wider sidewalk for outdoor dining on the ground floor commercial space of building B5, at the corner of Capitol Avenue and Hudson Street. However, this additional space would likely remain public right-of-way and would not change the site's property line. The applicant will need to work with the City on the necessary approvals to utilize this space.

Summary

The subdivision of the subject property into three (3) lots is consistent with the POCD, the Subdivision Regulations, and the Zoning Regulations. The application included all of the documentation required by the Subdivision Regulations. The necessary easements have been drafted and meet the intent of the Campus Overlay. Staff recommends approval with the following conditions of approval:

1. A stormwater plan covering proposed lot 2 and 3 shall be reviewed and approved by the MDC and DPW at the site plan application stage.
2. A sediment and erosion control plan covering proposed lot 2 and 3 shall be reviewed and approved by the DPW at the site plan application stage.

A draft resolution follows.

ATTACHMENTS

1. Hartford Zoning Regulations Section 5.1. Campus Overlay.

REVIEWED AND EDITED BY,

Aimee Chambers, AICP
Director



CITY OF HARTFORD
PLANNING & ZONING COMMISSION RESOLUTION
55 ELM STREET
SUBDIVISION OF SUBJECT PROPERTY INTO THREE (3) LOTS

- Whereas,** The City of Hartford Planning & Zoning Commission reviewed the application requesting the approval of a preliminary subdivision plan for a 3.22-acre parcel bordered by Elm Street/Pulaski Circle to the north, Hudson Street to the east, Capitol Avenue to the south, and West Street to the west, also known as 55 Elm Street and identified by parcel ID number 247-448-047, into three (3) lots; and
- Whereas,** The request will create more than two (2) new lots and is therefore considered a subdivision and is regulated by the City of Hartford Subdivision Regulations (last amended September 27, 2016); and
- Whereas,** The subject property is zoned the MX-2, Multi-Use Mix district with the Campus Overlay; and
- Whereas,** The Planning and Zoning Commission approved a special permit for a master plan for the subject property at their January 11, 2022 meeting (COMM-2021-0535); and
- Whereas,** The intention of the proposed subdivision is to help facilitate the phased master plan development; and
- Whereas,** The subdivision application included all of the documentation required in Sec. 12 of the Subdivision Regulations; and
- Whereas,** The Metropolitan District Commission (MDC), Connecticut Natural Gas (CNG), and Eversource provided written statements confirming they reviewed the preliminary subdivision plan and that the proposed development can be connected to and served by the utility companies; and
- Whereas,** The proposed lot layout meets the design standards required by the Subdivision Regulations; and
- Whereas,** The proposed lot layout is arranged such that no nonconformities are created and such that there will be no foreseeable difficulty in securing building permits that comply with

Hartford’s Zoning Regulations related to uses and building types permitted in the MX-2 district with a Campus Overlay; and

Whereas, An access easement that would allow vehicle access between proposed lot 1 (which has a driveway entrance on Elm Street) and proposed lot 2 (which does not have a driveway entrance) was submitted as part of the subdivision application package pursuant to Sec. 64 and Sec. 69 of the Subdivision Regulations and said easement maintains the spirit and intent of the applied Campus Overlay as per the Zoning Regulations; and

Whereas, A no-build easement between proposed lot 1 and proposed lot 2 was also submitted as part of the subdivision application package pursuant to Sec. 69 of the Subdivision Regulations, and said easement maintains the spirit and intent of the applied Campus Overlay as per the Zoning Regulations; and

Whereas, The proposed subdivision is consistent with the City’s Plan of Conservation & Development in that first, the subject property represents a key development site in the Bushnell South area, one of the POCD’s ten Transformative Project Areas, and second, the subdivision will help realize other goals such as phasing out parking lots to promote development (Grow400); encouraging infill development on vacant and underutilized lots (Grow400); building 5,000 new housing units (Live400); connecting a network of safe paths and upgraded sidewalks and crosswalks (Move400); and enhancing downtown arts assets (Play400); and

Whereas, The proposed subdivision provides bicycle, walking, and public transit opportunities.

Now therefore Be It

Resolved, The City of Hartford Planning & Zoning Commission hereby **denies/approves** the preliminary subdivision plan for a 3.22-acre parcel bordered by Elm Street/Pulaski Circle to the north, Hudson Street to the east, Capitol Avenue to the south, and West Street to the west, currently known as 55 Elm Street and identified by parcel ID number 247-448-047, into three (3) lots, **subject to the following conditions of approval:**

1. A stormwater plan covering proposed lot 2 and 3 shall be reviewed and approved by the MDC and DPW at the site plan application stage.
2. A sediment and erosion control plan covering proposed lot 2 and 3 shall be reviewed and approved by the DPW at the site plan application stage.

Be It Further,

Resolved, This 22nd day of February, 2022.

Attachment 1. City of Hartford Zoning Regulations, Section 5.1. Campus Overlay

5.0 SPECIAL OVERLAYS

Campus Overlay

5.1 Campus Overlay

The Campus Overlay is intended to apply to sites occupied by civic, institutional, residential, or large office uses. These sites contain multiple buildings on one or more lots that work together to create a walkable campus with inter-related uses.

5.1.1 GENERAL

A. Intent. These sites contain multiple buildings on one or more lots that work together to create a walkable campus with inter-related uses. A Campus Overlay is intended to permit greater flexibility for the development of larger lots than otherwise is allowed by these regulations, provided, however, that such development is consistent with the comprehensive plan for development, including the goals of more economic and efficient use of the land, a harmonious variety of uses, a higher level of urban amenities, and preservation of natural and scenic qualities of open spaces. These regulations aim to assist campus planners in achieving the intent of the building type regulations, relating to their surrounding context, maintaining the interior focus of the campuses, and creating a welcoming public face to the streets surrounding the campus.

B. Applicability. The following regulations apply to all locations noted on the zoning map with the Campus Overlay and shall be applied to lots adjacent to each other, or across streets from each other, which operate as a single campus.

C. Phasing. A Campus Overlay may be developed in phases, pursuant to a master plan approved by the commission.

5.1.2 APPLICATION

The Campus Overlay requires applicants to file the following types of applications, as applicable to the relevant type of activity that is the subject of the application:

A. Special Permit. Special permit for a master plan for the entire campus, showing the location of buildings, landscaping, and other development features, in accordance with special permit application requirements outlined in 1.3.4 Special Permits, except that a master plan application shall not be required to include the following documents:

- (1) Final plans for "lighting, landscape and retaining walls" contemplated by 1.3.3.B.(7);
- (2) Interior floor plans, building elevations, and parking plans contemplated by 1.3.3.B.(8), (10),

and (12), other than concept floor plans, building elevations, and parking plans;

(3) Landscape plans for vegetation other than for trees, contemplated by 1.3.3.B.(11);

(4) Sign plans contemplated by 1.3.3.B.(13);

(5) Soil erosion and sediment control plan contemplated by 1.3.3.B.(14);

(6) All provided that such documents shall be provided with any site plan contemplated in 5.1.2.B. and further provided that no work may commence on the portion of the site requiring additional site plan review until a site plan has been approved.

B. Site Plan Review. Site plan review for buildings shown on a previously approved master plan; or

C. Special permit review for Civic Building Type buildings not shown on a previously approved master plan, as may be amended from time to time.

5.1.3 REGULATIONS

Staff or the commission, as applicable, may approve construction in a Campus Overlay for lots in the NX-1 and MX-2 districts, subject to the following conditions:

A. Lot Configuration

(1) **Lot Area.** A minimum lot area of one acre is required for Campus Overlays planned to be primarily residential, or 2 acres for campuses with mixed residential/non-residential uses or non-residential uses.

(2) **Lot Width.** The lot must have a minimum width of 100 feet.

(3) **Number of Buildings.** There shall be a minimum of 2 detached principal structures.

B. Streets. New private streets within a Campus Overlay may be created, provided that they are shown in the master plan and approved by the director of the department of public works and the commission.

(1) **Approval.** When approving new streets, the commission shall follow the criteria required in 1.3.11 Decisions on Streets, Street Lighting, & Building Lines.

(2) **Define Primary Streets.** Primary and non-primary streets (refer to 1.6 Definitions) shall be defined for all streets surrounding and passing through the campus. Consideration shall be given to the orientation of adjacent parcels when defining these streets.

5.0 SPECIAL OVERLAYS

- (3) **New Streets.** New street, whether public or private, within the campus shall utilize the street types defined in 9.0 Street Types.
- (4) **Alleys.** Alleys should be utilized to provide parking and service access within the campus.

C. Buildings. Buildings within the campus shall utilize the Building Types permitted by the underlying zoning district. Additional Building Types may be considered through special permit review per either 5.1.2.A or 5.1.2.C. Building Type regulations apply to all buildings with the following exceptions:

- (1) Building Siting requirements provided, however, that:
 - (a) All corners on designated Primary Streets shall be occupied by buildings.
 - (b) Side and rear setbacks shall be applied to the overall lot, but not individual buildings.
 - (c) Maximum building coverage, maximum impervious area, and additional semi-pervious area shall be applied to the overall lot.
 - (d) The commission shall review the master plan to ensure that the intent of the Building Siting requirements is achieved, particularly with respect to the front build-to zone and vehicular access, where strict application of the Building Siting requirements would be impracticable.
 - (e) Building heights may be a maximum of 12 stories.
- (2) The blank wall limitation shall be applied to all sides of any detached building, except that the commission may allow a blank wall when the wall is not visible from the public right of way or a private street, and is part of an accessory structure not regularly used by members of the public, such as a maintenance building, where the existence of the blank wall does not present security concerns or where such concerns are mitigated by measures such as a surveillance system. In addition, the commission may eliminate the blank wall limitation for Civic Building Type buildings as part of its special permit review.
- (3) Number of street entrances requirement.

D. Parking

- (1) **Yard Location.** Parking lots or structures shall be located in the rear yard or corner side yard on primary streets or on non-primary streets.

5.1.4 USES

Allowed uses include all of those uses allowed by the underlying zoning district.

5.1.5 BUILDINGS & LOTS INDIVIDUALLY SOLD

Individual buildings and lots may be sold during the construction of or following the completion of a Campus Overlay development, in accordance with the subdivision regulations.

5.1.6 SEVERANCE

If at any point this section is voided by a court, the requirements for underlying zoning district shall apply in full.