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February 27, 2025

Rob Librandi
Land Use Planner
Planning and Zoning Department
5866 Main Street
Trumbull, CT 06611

Re: Amendment to the Village Residence District Regulation

Dear Mr. Librandi:

On behalf of my client, CT Trumbull Village, LLC, please accept the following as a proposed amendment to the Village Residence District Regulation. My client requests to amend Article II, Section 2.7.2.3.c of the Village Residence District Regulation to read as follows (changes underlined):

c. Street location: A VRD must either (1) have a minimum unbroken frontage, except for driveways, of 200 feet on a state highway or state road and must be accessed exclusively from a state highway or state road, or (2) its entire area must be located within 2,500' of the intersection of an Exit 50 ramp of the Merritt Parkway and White Plains Road (State Route 127) located north of the Merritt Parkway and east of White Plains Road.

Sincerely,

Christopher B. Russo

RECEIVED

FEB 27 2025

By PZC # 25-07
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February 27, 2025

Rob Librandi
Land Use Planner
5866 Main Street
Trumbull, CT 06611

Re: Proposed Amendment to the Article II, Section 2.7.2.3.c of the Trumbull Zoning Regulations

Dear Mr. Librandi:

On behalf of my client, CT Trumbull Village, LLC, please accept the following in support of the proposed amendment to Article II, Section 2.7.2.3.c of the Trumbull Zoning Regulations (the "Regulations") regarding the location of a Village Residence District ("VRD") within the Town of Trumbull.

Narrative

The proposed text amendment is an important addition to the VRD regulations to permit a VRD in proximity to Exit 50 of the Merritt Parkway. Under Sec. 2.7.1 of the Regulations, the VRD was designed to permit modification of the strict application of the standards and provisions of these Regulations to accomplish certain purposes designated within the Regulations. This purpose is detailed as follows:

"To permit the use land, buildings and other structures for purposes that would be beneficial to and consistent with the character of the Town and the long range improvement of the neighborhood and consistent with the comprehensive plan of development as adopted by the Commission, when such uses are located on tracts of land sufficient size to accommodate harmonious design of buildings, structures and facilities in connection with the use and when another zoning district could not be appropriately established to accomplish such purposes, and shall be limited to the construction of single family homes."

The VRD is a "floating zone." The characteristics of a "floating zone" were discussed in the decision of a recent court case involving the Trumbull Planning Zoning Commission. In *Price v. Trumbull Planning & Zoning Commission*, the Court defined a "floating zone" and the VRD as follows:

"Trumbull's Village Residence District (VRD) represents a planning devise commonly referred to as a "floating zone." A floating zone differs from districts established under traditional Euclidian Zoning principles, because it is not tied to any physical boundaries. *Pleasant Valley Neighborhood Assn. v. Planning & Zoning Commission*, 15 Conn.App. 110, 114 (1988). The Connecticut Supreme Court has recognized the validity and legality of floating zones. *Schwartz v. Town Plan & Zoning Commission*, 168 Conn. 20, 22 (1975); *Sheridan v. Planning Board*, 158 Conn. 1, 17 (1969).

The use of a floating zone provides flexibility in zoning, since the location of the new zone is left for future determination. Use of the floating zone concept has been approved for those municipalities which conduct zoning pursuant to a Special Act, and for those which derive their authority to zone from Section 8-2 of the General Statutes. *Campion v. Board of Aldermen*, 278 Conn. 500, 516-17 (2006); *Sheridan v. Planning Board*, *supra*, 18." *Price v. Trumbull Planning & Zoning Commission*. 2019 WL 1283759 (2019).

In accordance with this opinion of the Court and the VRD, the Applicant proposes a revision to the VRD regulations that would abide by the principle that a floating zone is not tied to any physical boundaries and the determination of its location is in the hands of the Commission. 'This amendment is also in conformity with the 2014 Trumbull Plan of Conservation and Economic Development (the "POCD"). The POCD found that "as Trumbull's population continues to age and household sizes continue to shrink, the Town expects to see sustained interest in other housing choices." *Id.* at 61. While addressing that demand, the "Town will preserve the single-family character of the community while seeking ways to provide new housing opportunities." *Id.* The VRD was created to address that demand in a clustered housing layout which still maintained the character of Trumbull.

When the Commission approved the creation of the VRD, it stated amongst its reasons that the VRD "provides a method to utilize certain pieces of property to provide housing alternatives and to allow an applicant to develop property within the guidelines that the Town of Trumbull feels is appropriate," "provides housing alternatives within the guidelines suggested in the Plan of Conservation and Development (POCD)," and "it creates housing choices, without too great an increase in density." *Price* at 2-3. The POCD noted that "Trumbull is predominantly built out with little vacant land." *Id.* at 62. The POCD acknowledged that this condition "means that meeting economic demand and housing demand for alternative housing types could occur in developed areas or in areas that abut established neighborhoods." *Id.* The VRD was approved with significant requirements in lot area and proximity to major traffic corridors to minimize impact to single-family residential neighborhoods. The proposed amendment is in conformity with that intent. Under the application, the requirement of Sec. 2.7.2.3.a with regards to VRD size remains as do bulk standards for a VRD, including buffers, height, density, off-street parking and building design.

The proposed text amendment merely adjusts the possible location for the VRD. It permits a VRD that meets the existing lot area requirement of a VRD to be located on a property where the entire area of the VRD is located within Two thousand five hundred feet (2,500') of the intersection of the Exit 50 ramp of the Merritt Parkway and its intersection with White Plains Road. The VRD would not extend beyond the 2,500' radius. This restriction creates a clear physical limitation and prevents a small portion of a property being located within the 2,500' radius and then the VRD extending to some unknown bounds beyond the radius. It also ensures that a VRD will be in close proximity to a major traffic corridor within the Town. It simply modifies the requirement that a VRD's frontage be directly located on a state highway or state road if a VRD has an unbroken lot line of 200' along a state highway

or state road. Exit 50 of the Merritt Parkway is a landmark within the Town that is consistent with a VRD because it is within a mile of Trumbull Center, which is identified as a “community node” within the POCD. This very limited amendment fulfills the goals of the POCD in providing an alternative housing type in proximity to that community node to help encourage the village feel while also maintaining the residential character. In addition, it is appropriate for the amendment to restrict the VRD in Sec. 2.7.2.3.c(2) to east of White Plains Road as the western side of White Plains Road is predominantly classified in the Residence A Zone. The Residence A Zone requires a minimum lot area of one-half acre (0.5 ac.) as compared to the larger size required in the other residential zones. As the VRD itself requires a large minimum lot area, it is logical for the VRD to be located in an area with similar larger lot area requirements. Similarly, while the area south of the Merritt Parkway and east of White Plains Road is not located within the Residence A Zone, it is characterized by significantly undersized lots. Many lots contain even less lot area than the one-half acre required in the Residence A Zone despite being located in the one acre (1 ac.) Residence AA Zone. The area east of White Plains Road and north of the Merritt Parkway is significantly different with much larger lots more akin to the lot area required of a VRD. This allows for greater buffering and maintaining the neighborhood character.

As noted in the POCD, Trumbull is predominantly built and the ability to provide alternative housing types will require permitting said housing types in developed areas that abut residential neighborhoods. The proposed amendment achieves that goal while restricting said development to an area that fulfills the original purpose of the VRD regulations and allows for buffering. The VRD and Special Permit regulations empower the Trumbull Planning and Zoning Commission with significant discretion regarding design, bulk, provisions for vehicles, etc. for any developments to ensure they are created in character with the neighborhood and the POCD. It should be noted that these proposed amendments do not alter the bulk regulations under the VRD Zone.

The existing VRD regulation should be updated to permit the alternative housing types promoted in the POCD in a location that still fulfills the intent of the VRD and POCD. For these reasons, the Applicant respectfully requests approval of these proposed text amendment to Article II, Section 2.7.2.3.c of the Trumbull Zoning Regulations.

Sincerely,

Christopher Russo