

RECEIVED

Phone (860) 561-4832
Fax (860) 521-5560
franklinlaw.net

OCT 14 2016

TOWN CLERK/TOWN COUNCIL OFFICE
West Hartford, CT

October 14, 2016

Mayor Shari Cantor
The Honorable Town Council
Town of West Hartford
50 South Main Street,
West Hartford, CT 06107

RE: Change of Zone from Residential/Multifamily – Office District (RMO) to Residence-Office District (RO) and then to a Special Development District for the Premises known as 1043 Farmington Avenue, West Hartford, Connecticut, Owned by Tongjan Properties, LLC.

Dear Mayor Cantor and Members of the West Hartford Town Council:

On behalf of the above referenced Applicant, I hereby make application for a zone change for the above referenced Premises from RMO (Residential/Multi-Family – Office District) to RO (Residence-Office District) and then to designate the rezoned parcel as a special development district (“SDD”).

For the past five years, Tongjan Properties, LLC (“TP”) has owned the Premises and has leased the first floor of the Premises to Eye Disease Consultants, LLC (“EDC”) which entity operates an ophthalmology practice on the first floor of the Premises. The second and third floors had previously been rented as a residential apartment. This application only requests use of the second floor for professional office space. The third floor will be used as storage space. Dr. Paul Gaudio is the sole member of both entities. EDC wishes to utilize the Second floor to provide additional administrative offices. The RMO zone does not permit the use of upper floors as professional offices.

The proposed change from RMO to RO is being requested in recognition of the fact that in much of the area of Farmington Avenue west of West Hartford Center, residential structures co-exist with institutional, office and business uses. The residential appearance of the building will not be changed as a result of this zone change request. EDC’s practice has a strong, stable presence in the neighborhood and TP is committed to preserving the residential character of this property. The use of the property has been and will continue to be compatible with the other properties in the neighborhood, such as properties located at 1014, 1017, 1022, 1033, 1034 and 1038 Farmington Avenue, which have successfully applied for zone change to RO with the SDD designation.

West Hartford Town Council
1043 Farmington Avenue
Zone Change, SDD Designation
October 14, 2016

DESCRIPTION OF PROPERTY:

The Property is approximately 13,125 square feet in area, or .30 acres. The building is two and one-half (2 ½) stories in height and approximately 3,680 square feet in size. The third story will be used as storage space and contains an additional 590 square feet.

The Property is on the south side of Farmington Avenue at the corner of Four Mile Road. The Property abuts single-family homes to the south and west. Across the street to the north is a condominium development and across the street and just to the east of the condominium development are two RO zoned mixed office-residential structures. The RO district was established for use in areas where residential, institutional and office uses coexist. Its use is intended for areas of transition, from single-family dwellings to higher intensities. The standards of the RO zone are intended to make the uses mutually compatible. An office building for professional offices is permitted in the RO zone.

The Applicant's advisors met numerous times with the Town's planning staff to discuss building design issues. The Applicant will also meet informally with the Design Review Advisory Committee ("DRAC") to review the design and landscaping of the Premises.

TRAFFIC:

Since this is an existing professional office building and no exam rooms will be added, the proposed change in use of the interior space will not increase the traffic generation for existing uses on the Property.

PARKING:

The Applicant requests relief from the § 177-32 of the Code standards for the number of parking spaces. The proposed parking layout includes 11 spaces including two spaces inside the garage and one accessible space. The site requires 14 spaces, however EDC's business is not vehicle intensive as the nature of the ophthalmology practice conducted at the office is such that many patients do not drive to and from their procedures, but are dropped off and picked up by family members or use transportation services such as buses and taxis. In addition there is ample on-street parking along Farmington Avenue. EDC does not anticipate that the expansion of the practice to the second floor will increase vehicle traffic to the Property as there are not any exam rooms being added to the Premises.

West Hartford Town Council
1043 Farmington Avenue
Zone Change, SDD Designation
October 14, 2016

WATER, SEWER AND STORM WATER:

The building is connected to public water and sewer. A letter dated October 5, 2016, to the Director of Public Health requesting a statement as to the adequacy of the sewage disposal system, is included as Enclosure (f).

LANDSCAPING / LIGHTING:

Since this is an existing commercial use and the property is currently professionally landscaped, the Applicant does not propose any changes to landscaping at the Premises. The Applicant also does not propose any changes to the lighting on the Premises.

COMMUNITY OUTREACH:

The Applicant intends to conduct an extensive mailing to abutting and nearby property owners as to the specifics of the plan proposal and meet with or talk with interested persons. A copy of the letter to neighbors is enclosed. An outreach report will be submitted prior to the hearing.

PURPOSE AND COMPLIANCE WITH PLAN OF CONSERVATION AND DEVELOPMENT:

The Applicant's proposed use of the Property is consistent with the 2009-2019 West Hartford Plan of Conservation and Development ("POCD"). The POCD recognizes and encourages continued economic growth in West Hartford and states as a goal the strengthening of the community's tax base by promoting growth and retention of existing businesses and new development while preserving and protecting the residential character of the surrounding neighborhoods. The POCD further states that, as most of the land in Town is fully developed, economic growth, is and will continue to be, a balancing act between maintaining the quality of residential life and strengthening the community's tax base with new developments and successful business ventures.

West Hartford has several zones that permit and encourage mixed use development in certain transitional areas such as the Property. The RO district permits such development. There are other examples of residential properties on Farmington Avenue west of West Hartford Center that utilize the RO district for professional office uses in a manner comparable to the proposed development. The Applicant's office

West Hartford Town Council
1043 Farmington Avenue
Zone Change, SDD Designation
October 14, 2016

building looks like a home. Maintaining residential character properties is mentioned in the POCD as being important. While the POCD specifically cites use of the Residential Character Office (RCO) and Multifamily-Residence Office (RMO) zones as two districts that can be utilized by special use permit approval to maintain the residential nature of the structure, an RO zone designation subject to a special development district (“SDD”) approval by the Town Council can be an equally effective means by which to do so.

The POCD notes that because of the complexity of attracting and controlling new development in tight commercial areas bordered by strong residential neighborhoods, West Hartford has utilized the SDD designation to permit greater control by the Town over building design, use and tenant mix. The intent of the SDD is to allow commercial development that is in harmony with the surrounding neighborhood. The Applicant has an attractive building that is compatible with the surrounding area in appearance. The POCD also states that development should be consistent with the existing quality of design and material standards of the community, particularly through use of the DRAC consultation. The Applicant plans to meet with DRAC prior to the Town Council hearing date.

The rezoning of the Property from RMO to RO with the added limitations and protections of the SDD designation permits economic growth while protecting existing neighborhood boundaries.

FINDINGS:

The change of zone and designation of the Property as a special development district to accommodate the construction of a building for professional office use is deemed appropriate for the following reasons:

1. The proposed use and design as set forth in the application are in harmony with the overall objectives of the POCD as they foster commercial development patterns that are complimentary to adjacent residential land uses, incorporate principles of smart growth and promote retention of an existing business; and
2. Because of the extra scrutiny imposed on by the SDD process, the proposed SDD plan with the requested changes to the standards applicable to permitted uses in the RO district intended to preserve the residential character of the Property and be compatible with the surrounding neighborhood, is superior to a zoning approval possible under the regular RO standards of the Zoning Code; and

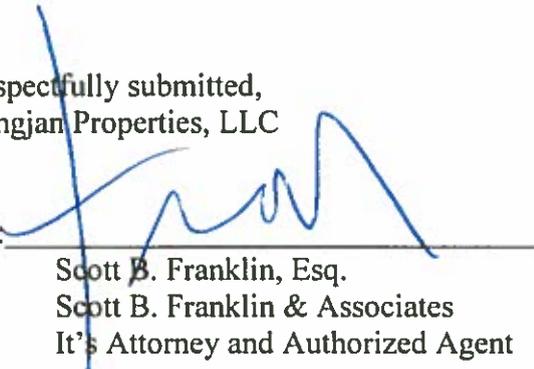
West Hartford Town Council
1043 Farmington Avenue
Zone Change, SDD Designation
October 14, 2016

3. The use and design of the Premises is in harmony with both the actual and permitted development of adjacent properties, adopting the residential appearance of those properties and allowing for a continued office use comparable with other office uses in the general vicinity of the Premises.

Enclosed please find a proposed ordinance amending the zoning map, including a legal description of the property at 1043 Farmington Avenue, West Hartford, Connecticut, an Affidavit of Interest, an A-2 Survey, the required application fee and information required pursuant to Section 177-44 of the Zoning Ordinance, which constitute the application..

Thank you for your consideration of this application.

Respectfully submitted,
Tongjan Properties, LLC

By: 

Scott B. Franklin, Esq.
Scott B. Franklin & Associates
It's Attorney and Authorized Agent

List of Enclosures:

- (a) Application letter from owner of Premises;
- (b) Property Description;
- (c) Proposed Ordinance
- (d) Affidavit of Interest;
- (e) Description of Proposed Uses;
- (f) Letter to the Director of the West Hartford Bloomfield Health District, dated October 6, 2016
- (g) Letter to neighboring property owners with attachments;
- (h) Plans entitled: "ZONE CHANGE FROM RM/O ZONE TO SDD/RO ZONE PROPERTY SURVEY PREPARED FOR TONGJAN PROPERTIES 1043 FARMINGTON AVENUE WEST HARTFORD, CONNECTICUT" (2 full-sized and 20 reduced plan sets); and
- (i) Application fee by check made payable to the Town of West Hartford

(a)
Owner's Application Letter Per Code §177-44C(1)(a)

October *14*, 2016

Honorable Members, West Hartford Town Council
Town of West Hartford
50 South Main Street,
West Hartford, CT 06107

RE: Change of Zone from Residential/Multifamily – Office District (RMO) to Residence-Office District (RO) and then to a Special Development District for the Premises known as 1043 Farmington Avenue, West Hartford, Connecticut.

Dear Mayor and Members of the West Hartford Town Council:

Tongjan Properties, LLC is the owner in fee of the property located at 1043 Farmington Avenue, West Hartford, Connecticut. The property is the subject of the above referenced application to rezone 1043 Farmington Avenue, from Residential/Multifamily – Office District (RMO) to Residence-Office District (RO) and then to designate the rezoned property as a special development district, all as set forth in the documents and plans filed with this application.

This letter is provided to indicate the owner's consent to, and participation in, the filing and processing of said application.

Respectfully submitted,
Tongjan Properties, LLC

By: 
Paul Anton Gaudio, M.D., its sole member

(b)

PROPERTY DESCRIPTION

1043 FARMINGTON AVENUE, WEST HARTFORD, CONNECTICUT

A certain piece or parcel of land known as No. 1043 Farmington Avenue in the Town of West Hartford, County of Hartford, State of Connecticut, being more particularly bounded and described as follows:

NORTH: by Farmington Avenue, seventy-five (75) feet;

EAST: by Four Mile Road, one hundred seventy-five (175) feet;

SOUTH: by land now or formally of Paul J. Dodge, seventy-five (75) feet; and

WEST: by land now or formally of Peter C. Grassilli, one hundred seventy-five (175) feet.

**AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING ZONING
REGULATIONS OF THE TOWN OF WEST HARTFORD**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD,
CONNECTICUT**

That the boundaries and districts shown in the "Zoning Map of West Hartford, Connecticut" be and are hereby amended by changing the following described piece or parcel of land from Zoning District RMO to Zoning District RO, and then to a Special Development District designation pursuant to the provisions of Section 177-44 of the Code of West Hartford in accordance with a set of plans entitled "ZONE CHANGE FROM RM/O ZONE TO RO ZONE PROPERTY SURVEY PREPARED FOR TONGJAN PROPERTIES 1043 FARMINGTON AVENUE WEST HARTFORD, CONNECTICUT".

"A certain piece or parcel of land known as No. 1043 Farmington Avenue in the Town of West Hartford, County of Hartford, State of Connecticut, being more particularly bounded and described as follows:

- NORTH: by Farmington Avenue, seventy-five (75) feet;
- EAST: by Four Mile Road, one hundred seventy-five (175) feet;
- SOUTH: by land now or formally of Paul J. Dodge, seventy-five (75) feet; and
- WEST: by land now or formally of Peter C. Grassilli, one hundred seventy-five (175) feet."

The above information is true and accurate to the best of my knowledge,
information and belief.

Subscribed and sworn to before me this 14th day of October, 2016.


~~Notary Public~~ Suzanne Neville
Commissioner of Superior Court

EYE DISEASE CONSULTANTS, LLC

By Paul Anton Gaudio
Paul Anton Gaudio, M.D.
Its Sole Member

The above information is true and accurate to the best of my knowledge,
information and belief.

Subscribed and sworn to before me this 14th day of October, 2016.


~~Notary Public~~ Suzanne Neville
Commissioner of Superior Court

(e)

Description of Proposed Use

The Applicant proposes to use the first and second floors of the building at 1043 Farmington Avenue for professional office use. An ophthalmology practice is currently operated on the first floor of the property and the Applicant proposes to use the second floor for administrative offices.

No noise, vibration, radiation, odor or dust, smoke, gas fumes, or other atmospheric pollution is expected to be produced from the operation and maintenance of the office building and related parking area, other than customarily generated from such use.

(f)

SCOTT B. FRANKLIN & ASSOCIATES

ATTORNEYS AT LAW

68 South Main Street
West Hartford, CT 06107

Phone (860) 561-4832
Fax (860) 521-5560
franklinlaw.net

October 6, 2016

Via facsimile 860.561.7918 and regular mail

Steven J. Huleatt, MPH, RS
Director of Health
West Hartford-Bloomfield Health District
580 Cottage Grove Road
Suite 100
Bloomfield, CT 06002

RE: 1043 Farmington Avenue, West Hartford, CT - Sewage Disposal Adequacy Confirmation

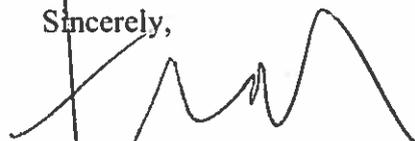
Dear Steve;

On behalf of TONGJAN PROPERTIES, LLC, owner of the property located at 1043 Farmington Avenue, West Hartford, Connecticut, please accept this request for a Sewage Disposal Adequacy Confirmation letter from the West Hartford-Bloomfield Health District regarding the proposed zone change of the property located at 1043 Farmington Avenue, West Hartford, CT. The property is currently zoned Residential/Multifamily – Office District (RMO). The owner is submitting an application to change the zone to Residence-Office District (RO) and then have it designated as a special development district.

An ophthalmology practice currently operates on the first floor of the property. The zone change is being requested so that the ophthalmology practice can have administrative offices on the second floor. The number of patients visiting the property will remain the same and the number of employees will increase by 2 or 3, however, there will no longer be an apartment rented, so water and sewage use should not be increasing.

We look forward to hearing back from you at your earliest convenience. Please do not hesitate to contact me if you need any further information to issue the Sewage Disposal Adequacy Confirmation Letter.

Sincerely,



Scott B. Franklin, Esq.
Attorney for TONGJAN PROPERTIES, LLC

Cc: Paul Anton Gaudio, M.D., TONGJAN PROPERTIES, LLC

(9)

Eye Disease Consultants, LLC

The [Name] Family
[Address]
West Hartford, CT 06107

Dear [Name],

As you may know, my office, Eye Disease Consultants, is located on the corner of Farmington Ave and Four Mile Road, quite close to your house. My wife, Dot, and I own this building and we have applied for a zoning change to be able to use the second floor as administrative space. We would like to make our neighbors aware of this project.

The upper two floors of this building, at 1043 Farmington Ave, are currently a single apartment, the lower floor being part of our medical practice. The administrative section of our practice is at Hartford Hospital. We would like to move the administrative section to this West Hartford location. This requires a zoning change, hence our current application.

We live on Grennan Rd, within sight of this building, which we take pride in keeping beautiful and optimally functional. Our medical office has benefitted from several improvements to the building and grounds over the past few years, which we plan on continuing. The proposed relocation will enable this, given the lighter usage and larger budget associated with commercial rental.

A list of common questions and answers is enclosed. We thank you in advance for your support of this rezoning application.

Sincerely,

Paul A. Gaudio, MD

*85 Seymour St, Suite 522, Hartford, CT 06106
1043 Farmington Ave, West Hartford, CT 06107
860-549-2020 phone 860-549-2025 fax*

1043 Farmington Ave, West Hartford, CT, 06107

**Zoning change
to use the 2nd floor as office space**

Common Questions

Q: Will the **appearance** of the building change as a result of the zone change?

A: *No. The zoning application involves changing the use of the building only, not the structure and certainly not the appearance. Actually, our only plans for changing the appearance involving further beautification of the façade and grounds.)*

Q: Will this change result in more **traffic**?

A: *Quite unlikely. The number of employees will increase by 2 while the apartment will no longer be rented out, so the net change in cars should be zero.*

Q: Will the **parking** situation change as a result of the re-zoning?

A: *Again quite unlikely. Two of the new employees will park in the garage, which will no longer accommodate renters (or groups of renters); the net change should be zero.*

Please know that parking is our main concern and we very much wish to minimize the inconvenience that it causes our neighbors. PLEASE let us know if cars from our office create a problem around your house.

Q: Will there be patients going up to the 2d floor?

A: *No, the 2d floor will serve "back-office" functions. Seeing patients up there would require HUGE modifications to the structure of the building, and is well beyond the scope of this effort.*