



RECEIVED
JUN 15 2023
TOWN OF WINDSOR
PLANNING DEPT

Petition for Text
Amendment to the
Zoning/Subdivision
Regulations/Form-Based
Code

TOWN PLANNING AND ZONING COMMISSION

This petition is for an amendment to the: Zoning Regulations Subdivision Regulations Form-Based Code

Goman+York Property Advisors, LLC (Attn. Don Poland) 860-655-6897
Name of Applicant Phone #
111 Founders Plaza, Suite 1000, East Hartford, CT 06108 dpoland@gomanyork.com
Applicant's Address E-mail Address

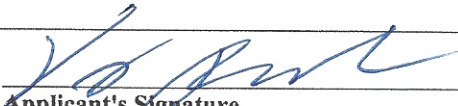
Please re-write the entire section with the proposed deletions in [brackets] and proposed additions underlined (you may attach the proposed amendments to this application form).

See attached report.
See attached report.
See attached report.

Please explain your reason(s) for amending the text: See attached report.

Please explain how this change will improve the Zoning/Subdivision Regulations or Form-Based Code: See attached report.
See attached report.
See attached report.

How will the change affect the Town's adopted Plan of Conservation and Development? See attached report.


Applicant's Signature Date 6/15/23

Office Use Only*****

Fee \$ 310 Ck. No. 26 App. rec'd by: Todd S. Comm. Action/Date:

Zoning Text Amendment, Windsor, Connecticut

Proposed Zoning Text Amendment to Allow Self-Storage Facilities in the
Restricted Commercial (RC) Zone

Text Amendment Application Narrative



June 15, 2023

Prepared by:
Donald J. Poland, PhD, AICP
Managing Director, Urban Planning & Strategy
Goman + York Property Advisors, LLC
East Hartford, CT 06108
dpoland@gomanyork.com
www.gomanyork.com

Zoning Text Amendment

Table of Contents

Section	Title	Page
	Cover Letter	2
I.	Introduction and Background	3
II.	Text Amendment Application Questions	3
III.	Market Context and Understanding Land Use Change	5
IV.	Zoning Text Amendment Application	7
V.	Conclusion	9
	Proposed Zoning Text Amendment	10
	Donald Poland – Statement of Qualifications	11

June 15, 2023

Eric Barz, AICP
Town Planner
Town of Windsor
Planning Department
275 Broad Street
Windsor, CT 06095

RE: Proposed Zoning Text Amendment to Allow Self-Storage Facilities in the Restricted Commercial (RC) Zone

Dear Mr. Barz:

I write this cover letter to accompany the application for a proposed text amendment to allow self-storage facilities in the Restricted Commercial (RC) zone (See page 10 for proposed text amendment). As you are aware, Goman York Property Advisers LLC (Goman+York) has been working with the owners of One Targeting Center for some time, seeking to find a path to reposition the vacant office building or to find an alternative use or uses that are market and financially feasible. This application for a text amendment is the outcome of those efforts, which we will explain further in this document. Following this letter, we provide an overview of how we arrived at this point and current market conditions and trends. In addition, we answer the questions required on the application for a petition to amend the Zoning Regulations.

I thank you for your time and I am available to answer any questions you may have. Most importantly, I look forward to presenting and discussing this proposal with the Commission at the public hearing.

Respectfully submitted,



Donald J. Poland, PhD, AICP
SVP & Managing Director, Urban Planning & Strategy

Section I. Introduction and Background

Goman+York was retained by the owners of One Targeting Center in 2022 to conduct a market feasibility analysis aimed at exploring both the potential to occupy the existing office building or to find a market and financially feasible alternative use for the commercial office building. Unfortunately, weak-market conditions, the pandemic, and the shift to hybrid and remote work have dramatically increased commercial office vacancies and made some properties functionally obsolescent. In the process of conducting the feasibility analysis, we explored all commercial real estate asset classes, including office, industrial, retail, hospitality, and multi-family. In addition, we considered the existing site/building, location, and existing zoning. Based on the findings of our analysis and findings, we identified three possible uses: industrial warehousing (logistics centers), multi-family residential, and self-storage.

While each of the three uses were determined to be market feasible, we determined that the location had limitation regarding warehousing/logistic and multi-family. For example, the proximity to the residential neighborhood to the west would likely make warehousing/logistic uses undesirable for this site. Another example is for multi-family residential, the proximity to the highway to the east and the associated highway noise makes this site less desirable for residential development. Therefore, we determined that self-storage is a market feasible and likely a financially feasible use that is well-suited for this site and location. Self-storage would have no impact on the proximate residential neighborhood, and the noise from the highway will have no impact on self-storage use.

Section II. Text Amendment Application Questions

Explain your reason(s) for amending the text?

The reason for this text amendment application to allow self-storage in the Restricted Commercial Zone is the weak office market conditions in the wake of the pandemic that has resulted in One Targeting Center being functionally obsolete as a commercial office building. After conducting a detailed analysis of the commercial real estate market, including office, industrial, hotel, retail, and multi-family—along with a review of land use and zoning requirements—we found that self-storage (modern, climate-controlled facilities) is the most suitable use for this site given the current market conditions. Most important, we also found that the self-storage use is consistent and compatible with the Restricted Commercial (RC) Zone. (A further and more detailed discussion and explanations of our reasons for this text amendment are provided in Section X of this report.)

Explain how this change will the Zoning Regulations?

When reviewing the Zoning Regulations to determine suitable and plausible uses for this site, and how self-storage could be allowed on this site, we explored three zoning options. The first option was to rezone the site to I-2, a zoning district that already allows self-storage facilities. However, it was

recognized that such a change in zoning would open the site up to all the permissible uses allowed in the I-2, some of which may not be suitable for this site, location, or the adjacent residential neighborhood.

The Second option was to rezone the property as B-2, along with a text amendment to allow self-storage in the B-2 Zone. The reason for the B-2 zone was that the One Targeting Center property abuts a parcel zoned B-2. However, in further reviewing this option, we determined that many areas in Windsor are zoned B-2 and some of those B-2 areas may not be suitable for self-storage use.

The third option, the option that was selected and is now before the Commission, was to propose a text amendment to allow self-storage by special exception in the RC Zone—the Restricted Commercial zone is the existing zoning designation for the One Targeting Center property. We determined this is the best zoning option since there are only four RC Zones in Windsor, two located at Exit 38 (Day Hill Road) and two at Exit 37 (Bloomfield Avenue). The two RC Zones at Day Hill Road are developed as hotel sites, as is the RC Zone to the north of Bloomfield Avenue. One and Two Targeting Center are the fourth RC Zone to the south of Bloomfield Avenue. From a land use perspective, the addition of self-storage as a permissible use in the RC Zone would not have wide application in many locations (only 49 acres or 0.3% of Windsor is zoned RC, per the 2015 POCD). In addition, since all the RC Zones are developed—with hotel uses other than the One and Two Targeting Center—the actual likelihood of self-storage development is limited to the Targeting Center location.

How will the change affect the Town's adopted Plan of Conservation and Development?

A review of the 2015 Windsor Plan of Conservation and Development revealed that the proposed text amendment does not conflict with any of the Conservation Themes in sections 3) Conserve Natural Resources, 4) Preserve Open Space, 5) Conserve Agricultural Resources, or 6) Preserve Historic Resources. In addition, since the Restricted Commercial zone is already aimed and developed as commercial, the proposed text amendment does not conflict with the Development Themes in section 7) Guide Housing & Residential Development), 9) Enhance Villages, and 10) Day Hill Corporate Area. The Economic Development Plan (page 8-2, POCD) and the specific recommendation for Exit 37 – Bloomfield Avenue – Opportunity Area #5 in section 8) Support Business & Economic Development, focus on the east side of I-91 with no mention of the Targeting Centers on the west side. Therefore, we find no conflict with the Plan objectives and policies related to section 8. Furthermore, the proposed text amendment for self-storage does not conflict with the Infrastructure Themes in sections 11) Maintain Excellent Community Facilities & Service, 12) Improve Transportation Facilities, and 13) Guide Utility Infrastructure. Recognizing that the self-storage use is a less intensive traffic generator than the existing office and hotel uses in the RC zone, the self-storage use will likely lessen traffic overall and peak hour congestion.

The Future Land Use Plan identifies the RC Zones at Day Hill Road, and the RC Zone north of Bloomfield Avenue at Exit 37 as Business uses. The proposed text amendment for self-storage is consistent with

business uses. The Targeting Center RC Zone, south of Bloomfield Avenue is designated as Office. While it may be tempting to say the proposed text amendment for self-storage is inconsistent or conflicts with the Office use designation, the difference demonstrates why POCD's are non-binding documents. In 2015, when the Future Land Use Plan was created, it was reasonable to assume that the Targeting Center area and Restricted Commercial Zone would remain commercial office land use. However, planning does not have the benefit of a crystal ball, and no one could have foreseen or predicted the collapse of the commercial office market and that in less than 10 years—the POCD planning cycle—that the Targeting Center office space would be rendered functionally obsolete. Therefore, we do not find inconsistency with the Office land use designation. What we do find is the need for adaptation and the expansion of uses in the RC Zone to accommodate recent trends and changes in commercial markets and land use. The proposed text amendment for self-storage accomplishes the need for adaptation and expansion of uses, while limiting the change in uses allowed to just one new use in the RC Zone.

Section III. Market Context and Understanding Land Use Change

The form and function of our settlement patterns are forever shifting and changing around technological and transportation innovations, economics, and our social-cultural ways of living in our environment. Demographics, socioeconomics, and consumer behaviors are also changing the way we live, work, socialize, and recreate. Many, if not most of these changes are the result of slow-moving variables that are gradual, making it difficult to see and understand in real-time, and resulting in change.

While slow-moving variables are gradual, change itself is not gradual or constant. *Change is episodic.* That means it takes time for the slow-moving variable to add up, to create a critical mass that results in the *crossing of threshold* or what is commonly known as a *tipping point*. For example, beginning in the early 2000s ecommerce and online retailing were growing and slowly capturing retail market share from bricks and mortar retail. Given enough time, at some point online retail would capture enough market share, crossing a threshold, and disrupt bricks and mortar retail, creating increased vacancies. Pre-pandemic this was starting to occur, most notable with the large regional malls. A threshold was being crossed, malls were collapsing, and episodic change in bricks and mortar retail was underway.

Shock and disturbance accelerate existing phenomena and processes, creating tipping points. For example, the amount of commercial office space per employee has been contracting for decades—down from 600 square feet per employee to 150 square feet per employee in 2017. This contraction in the per employee space utilization resulted from technological advances, such as computer system storage replacing filing cabinets and telecommuting allowing for remote work. The pandemic created further disruption, accelerating this slow-moving shift in office space utilization. Remote and hybrid work forced the crossing of a threshold, resulting in an already soft commercial office market in the Hartford region all but collapsed, pushing vacancy rates high and creating functionally obsolete office space.

The commercial office market is not the only real estate asset class that has been transformed by decades of slow-moving variables of change and the shock and disturbance—episodic change—ushered in by the pandemic. Retail, hospitality, industrial, and multi-family asset class have all experienced similar shifts, disturbances, and change.

Pre-pandemic, the Hartford area hotel industry was soft but experiencing modest demand and growth. However, the pandemic devastated the hotel industry (nationwide and locally). While leisure travel has rebounded, business travel has not. Therefore, since the Hartford hotel market was mostly driven by business travel, recovery has been slow, and demand remains low. Therefore, a hotel is not market or financially feasible at the One Targeting Center location.

Bricks and mortar retail was experiencing disturbance before the pandemic as online retailing continued to grow, capturing market share, and reducing demand for new and existing retail space. The pandemic further disrupted the retail market with a greater shift to online retailing. Today, while some segments of the retail sector have recovered, others still struggle, and demand for new retail construction remains weak in most markets and locations, including the One Targeting Center site. In addition, retail performs the best when co-located with other retail, a condition that the One Targeting Center site and location do not benefit from.

The two commercial real estate asset classes that have experienced moderate to robust demand and growth pre- and post-pandemic are industrial and multi-family residential. The strength in the industrial market has mostly been in warehousing and distribution (logistics centers), especially large, 250,000 square feet plus facilities. While such industrial uses would likely be market and financially feasible for the One Targeting Center site, Windsor has not been keen on allowing use on this site and would likely face resident opposition from residential properties to the west. Therefore, such uses were ruled out.

Multi-family residential has been the strongest commercial real estate asset class in the Hartford market for the past 10 years. While recent economic uncertainty and rising interest rates have increased risk and posed challenges for the financial feasibility of such uses, demand remains moderate for multi-family development. However, while the suburban location of One Targeting Center site is well-suited for multi-family residential, the proximity of the site to the Interstate Highway undermines the favorability of the site—the excessive noise from traffic and added construction cost for acoustic treatments to lessen the sound. In addition, Windsor does not appear to be favorable to residential use at this location.

The greatest challenge to the redevelopment of One Targeting Center, regardless of the real estate asset class (or land use) utilized for redevelopment, is the added cost of retrofitting the existing structure or demolition of the existing structure. For some uses, such as industrial warehousing or distribution centers, the existing office building would need to be demolished, adding the cost of demolition (\$10 to \$20 per square foot) to the total project cost, which further challenges the financial feasibility of redevelopment of the site into industrial use. Retrofitting an office building to

accommodate residential uses can also be as costly or more costly than building new—this also creates further challenges for the financial feasibility of redevelopment.

The market conditions discussed above, along with the challenges of redevelopment, are precisely the reasons why this application to request a text amendment to allow self-storage in the Restricted Commercial Zone has been submitted. The self-storage use is market-feasible, financially feasible, and compatible use for the site, location, and district. Self-storage is a low-intensity use, suitable for this site, with strong market demand being driven by the shift to multi-family apartments in the residential housing market. The apartment market is driving demand for modern, climate-controlled self-storage facilities. Such facilities meet the need for households with limited storage space to house their belongings in a safe and secure location. Most important, retrofitting an existing office building into self-storage is less costly than demolition, new construction, or retrofitting for residential use.

Section IV. Zoning Text Amendment Application

When considering an application for a zoning text amendment, the Planning and Zoning Commission must consider the Comprehensive Plan of Zoning and the Plan of Conservation and Development. The following is a discussion of these considerations as they relate to the proposed text amendment.

Comprehensive Plan of Zoning

In Connecticut, the zoning regulations and zoning map, as a collective document, are recognized as the Comprehensive Plan of Zoning. The Comprehensive Plan of Zoning sets forth the community's future development plan and provides property owners with a *reasonable expectation* for the present and future use of land within the specified zoning districts. This is important to understand when considering an application for zone change (map or text amendment) because such changes to a zoning district should be *reasonable in nature* and should not *drastically change the character of the district or area*, nor should the changes be contrary to the *reasonable expectations of property owners*. That said, Connecticut law also recognized that communities evolve and change over time, and the Planning and Zoning Commissions must have the ability to accommodate change through amendments to the Comprehensive Plan of Zoning.

The proposed text amendment to allow self-storage in the Restricted Commercial (RC) Zone is consistent with Windsor's Comprehensive Plan of Zoning. The primary reason for this finding—the text amendment being consistent with the Comprehensive Plan of Zoning—is that allowing self-storage in the RC Zone is not an unreasonable change, nor does it disrupt or drastically change the RC Zone. The intent of the RC Zone, as stated in the Zoning Regulations, is as follows:

The Restricted Commercial Zone is intended to provide a transitional area between residential and more intensive commercial and industrial uses and activities by permitting a limited range of high-quality commercial and industrial uses under more stringent development standards than the Commercial and Industrial Zones.

The proposed self-storage use meets the intent of a *transitional use between residential and more intensive commercial and industrial uses*. In fact, the self-storage use is less intense use than the existing allowable uses (i.e., professional offices, research laboratories, business services, corporate offices, general offices, and extended-stay hotels). Furthermore, the proposed amendment, with its robust standards and design provisions, will produce *high-quality commercial (re)development* and meets the expectation of *more stringent development standards*.

Based on our review of the zoning and the above discussion, *we find that the proposed text amendment to allow self-storage in the RC Zone is consistent with the Comprehensive Plan of Zoning*.

Plan of Conservation and Development

When considering a zone change (map or text amendment) application, in addition to reviewing the application for consistency with the Comprehensive Plan of Zoning, the Commission must also consider the Plan of Conservation and Development (POCD). The POCD is a policy document that is advisory, and the Planning and Zoning Commission is not *bound to the policies and recommendations of the Plan*. However, the Commission should *review and consider* the recommendations and policies contained within the POCD that relate to the zone change area and how the proposed zone change relates (or does not) to the POCD.

The POCD, first and foremost, is a land use plan. That means the primary objective of the POCD is to plan for spatial organization, density, and intensity of existing and future land use. In doing this, the POCD considers the social, economic, and environmental characteristics of the community to inform the land use policies. The planning for future land use also allows the community to further plan for the secondary objective of the POCD, planning for the public infrastructure and community facilities needed to support future land use.

This understanding of the POCD, as a land use plan and public infrastructure plan, reveals the big-picture nature of the POCD and exposes the limits of the POCD to conceptualize the specifics and nuances of any given application. Unfortunately, the big-picture nature of the POCD often makes it easy to cherry-pick the POCD for policies and recommendations that are either consistent or inconsistent with a specific application. Therefore, when reviewing a specific land use application, in this case, a zoning text amendment, against the POCD, we typically seek to frame the review with two general questions. First, did the POCD planning process and/or does the POCD as adopted conceptualize this kind of development in this general area of the community? Second, does the application and development generally forward the goals and objectives of the Plan?

Based on our review of the Windsor 2015 Plan of Conservation and Development and our proposed text amendment to allow self-storage, we believe the answer is no to the first question and yes to the second question. As discussed above in Section II, the POCD did not conceptualize the collapse of the commercial office market and that the Targeting Center office use would be rendered functionally obsolete within the 10-year planning horizon of the POCD. Therefore, it is not reasonable to expect an

application for text amendment that seeks to reposition One Targeting Center to be an economically viable use, to remain consistent with the Office land use designation in the future land use plan.

As for the second question, does the proposed text amendment forward the goals and objectives of the POCD? The answer is yes and was discussed in Section II above. The proposed text amendment does not conflict with any of the goals and objectives in the POCD. This includes the Conservation Themes, Development Themes, and Infrastructure Themes, as described in the POCD.

Section V. Conclusion

The proposed text amendment to allow self-storage as a use in the RC Zoning is consistent with both the Comprehensive Plan of Zoning and the Plan of Conservation and Development. In addition, it provides the opportunity to reposition and redevelop functionally obsolete commercial office space. By redeveloping the office uses into self-storage, vacant office space will be removed from the market, contracting the oversupply of office space, and improving the overall commercial office market. Furthermore, as proposed, the robust Self-Storage Facilities zoning provision for the RC Zone will maintain a high quality of site development and building design that is consistent with the intent of the RC Zone, while maintaining the transitional use nature of the RC Zone.

Proposed Zoning Text Amendment

Section 7 – Restricted Commercial Zone (RC): Subsection 7.6 Special Uses

Proposed New: 7.6.4 Self-Storage Facilities

- a. Self-storage facilities shall be climate-controlled with no exterior access to individual storage units.
- b. No storage of radioactive, explosive, flammable, toxic, perishable, or any other hazardous materials, as defined by the fire prevention code. Nor shall there be occupancy by any animals, nor by any persons including owners and employees.
- c. A lease agreement between the lessee and lessor shall state that no radioactive, explosive, flammable, toxic, perishable, or any other hazardous materials, as defined by the fire prevention code.
- d. No storage of any items outside of the climate-controlled self-storage buildings shall be permitted.
- e. Leasing office hours shall be limited to the hours between 8:00 a.m. to 6:00 p.m. Monday through Saturday.
- f. Storage facility access hours shall be limited to the hours between 7:00 a.m. to 10:00 p.m. Monday through Sunday.
- g. No activities other than rental storage units and pick-up and deposit of storage items are allowed on the premises, unless specifically allowed in item J below.
- h. Limited retail sales to tenants of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers, and locks and chains shall be permitted within a building on the site.
- i. Self-storage facilities are to be used only for storage. Therefore, the maintenance, repair, and sale of any items or vehicles is prohibited.
- j. The design of self-storage facilities should:
 - Utilize climate-controlled buildings with interior access to all storage units.
 - Discourage the use of corporate identification in the building architecture and exterior finishes.
 - Integrate corporate colors, or variations of corporate colors, as minor accent features, not as overall color themes, but avoid the use of color banding or stripes.
 - Discourage the use of fenestration or glazing for marketing of building or business.
 - Avoid the use of false windows that do not provide actual penetration to the interior of the building.
 - Interior storage units should not be visible through a building storefront or windows.
 - Interior hallways or other non-storage unit areas of the interior that are visible through a building storefront or window should be painted in muted tones that complement exterior building colors.

Statement of Qualifications – Subject Matter Expert

Donald J. Poland, PhD, AICP: I am an urban geographer and professional planner with over twenty-seven years of experience in land use planning, community, and economic development, and market and development feasibility. I have worked in public, private, non-profit, and academic sectors as a municipal planning director, zoning enforcement official, planning consultant, executive director/CEO, and as a university lecturer and visiting professor in human geography, urban planning, urban studies, and tourism.

I earned my PhD in the Department of Geography, *Cities and Urbanization* program at UCL, London, England. My doctoral dissertation explored the remaking of urban space through the utilization of urban-ecological theory and metaphors to better understand how places change. I also earned a Master of Science in Geography, concentrating in planning, from Central Connecticut State University (CCSU) and a Bachelor of Arts degree, majoring in both Psychology and Geography, from CCSU.

As a planning professional, I am a member of the American Institute of Certified Planners (AICP). I have been accepted as an *expert witness* in the areas of *land use planning, neighborhood redevelopment, and community development* in the United States District Court, Eastern District of Louisiana. I have also been accepted as an expert witness in the Circuit Court of St. Louis County, State of Missouri. Over the course of my career, I have held the positions of Zoning Enforcement Official for the Town of East Hartford (1996-1998), Director of Planning and Development for the Town of East Windsor (2000-2004), and Executive Director/CEO for the Neighborhoods of Hartford, Inc.

Since 2008, I operate a boutique planning consulting practice and have worked on assignments in 19 states and over 150 local and regional jurisdictions. This work includes post-Katrina planning, zoning, and redevelopment strategies in St. Bernard Parish, Louisiana; an HUD NSP-2 application and reinvestment strategy for Venango County, Pennsylvania; zoning regulation modernization and updates as part of the 2016 Comprehensive Plan for Canton, Ohio, Canton, Ohio; a downtown economic investment strategy for Oswego, New York, and countless municipal planning and zoning assignments in Connecticut. In addition, I have also represented dozens of real estate developers before public agencies for commercial, residential, industrial, and mixed-use development projects—including market research, financial feasibility, project viability, and municipal fiscal impact analysis.

I am a Past-President of the Connecticut Chapter of the American Planning Association (CCAPA) and Past Chairman of the CCAPA Government Relations Committee. I have also served on APA's Chapter Presidents Council, the Executive Committee for the CT Association of Zoning Enforcement Officials, the Board of Trustees for the CT Trust for Historic Preservation, the Board of Trustees for the Bushnell Park Foundation, and was a public member of the State Board of Examiners for Professional Engineers and Land Surveyors. In addition, I have assisted the CT General Assembly's Planning and Development Committee with bill screening and drafting legislation. I participated in the creation of the American Planning Association's development of a *smart growth policy guide* and was a member of the National Delegates Assembly (for the *Smart Growth Policy Guide*).

As an academic, I have taught over a dozen courses in human geography, urban planning, and tourism at Saint Joseph University, Manchester Community College, Central Connecticut State University, the University of Connecticut, and Trinity College. I held the position of *Visiting Lecturer in Public Policy*, Graduate Studies Program at Trinity College, Hartford, CT, and *Associate Professor, Tourism and Hospitality*, at CCSU. I hold the position of *Visiting Associate Professor in Urban Studies*, Graduate Studies Program at Trinity College, Hartford, CT. I was awarded the CT Homebuilders 2003 Outstanding Land Use Official Award and am a 2004 alumnus of the Hartford Business Journal's Forty Under Forty leaders.