



Town of Hamden

Planning and Zoning Department

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Memorandum

To: Hamden Planning and Zoning Commission

From: Daniel W. Kops, Jr., Assistant Town Planner *DWK*

Re: Draft Language of Amendment to the Zoning Regulations Requiring Colleges and Universities to Obtain Approval of Institutional Master Plans

cc: Leslie Creane, Town Planner

Date: June 20, 2014

Review of Quinnipiac University's Proposed Version

Since we last reported to the Commission on university-Town issues, Leslie and I have met with representatives of Quinnipiac University twice to discuss general areas of concern and specific language of the draft amendment that would require Institutional Master Plans. Attorney Pellegrino submitted an initial draft of his own for internal discussion purposes, and a revised one contained in a memorandum received June 18th, which has been provided to Commissioners and posted on the Town website for review by the public.

The draft language provided by Attorney Pellegrino's incorporates most of the text previously proposed by the Planning and Zoning Department but it differs in two significant ways:

- First, it would establish an advisory body called the Community Forum, that would hold a general meeting open to the public and provide the Commission with a report reviewing any proposed IMP. In addition to holding a Community Forum to review the five-year IMP, the Town and university would hold an annual one to discuss any issues the public wishes to raise and review progress towards implementation of the IMP.
- Second, it raises concerns about the legality of the proposed requirement that the IMP be formally approved the Commission. Thus in Attorney Pellegrino's recommended version the IMP would be **accepted** rather than actually approved by the Planning and Zoning Commission.

The Department believes that the Community Forum is an intriguing idea and that it could be conducted on an annual basis to facilitate communication between the university and the community. However, although Town officials might attend as guests, it should be sponsored by the university. At the same time the Department has reservations about the use of the Community Forum to advise the Planning and Zoning Commission regarding an IMP. Review of Attorney Pellegrino's proposal raises several substantive questions, including:

- How would the members be selected and approved?
- What type of "balance" among members would be sought?
- What formal role would public input have at a forum?
- Who would prepare the report and how would it be ratified?
- Is another layer of bureaucratic review really needed?

The Department also feels that the IMP should be **approved** as a Special Permit rather than accepted because without formal approval it carries no real authority. The Commission would be on very weak ground if it denied a Special Permit simply because it was inconsistent with an advisory report. And suppose a project is consistent with the IMP but not the advisory report. These types of ambiguous situations are better avoided.

Changes Proposed by the Planning and Zoning Department

A revised draft amendment prepared by the Department is attached to this report. All changes from the prior March 24th version are flagged. They consist of the following:

- The title was altered to reflect the current date
- All references to ten years were changed to five years
- Clause 2.d.vi. Requiring the provision of project cost estimates was eliminated.
- Clause 3. has been expanded to mention sources of comments that the Commission should consider when evaluating an IMP.

DWK:tbn

Attachments:

Pellegrino Memorandum of June 18, 2014

Revised Draft Amendment Concerning IMPs, dated June 19, 2014

RECEIVED
TOWN OF HAMDEN

JUN 18 2014

PLANNING AND
ZONING DEPT

MEMORANDUM

TO: Leslie Creane, Dan Kops

FROM: Bernard Pellegrino, Esq.

cc: Donald Weinbach and Sal Filardi, Quinnipiac University; and Mayor Scott Jackson, Town of Hamden

This Memorandum is provided at the request of the Planning Staff at the first monthly meeting between said Planning Staff and myself and Sal Filardi intended to increase and improve communications relative to important Planning and Zoning matters that are integral to the development of a mutually beneficial relation between the Town and the University. By all accounts, our meetings since April, 2014 have been productive and we look forward to the continuation of such meetings in an effort to keep an open line of communications between your staff and the University.

One of the topics which has been discussed was the proposal by the Planning and Zoning Commission to adopt an amendment to the Zoning Regulations to require the University to submit a multi-year Institutional Master Plan (IMP) to the Commission, which based on the draft regulation attached hereto, would by Special Permit, require the approval of the commission as a condition precedent to any future building projects.

As we stated at the meeting and has been approved by the University's cabinet, the idea of developing and sharing an IMP with Town Officials and the greater Hamden Community is one that we support. As you both stated, the University's continued success is certainly important to the Town of Hamden. The University realizes and welcomes participation from Town Officials, residents, local business owners and commercial developers in contributing to the vision that the IMP will lay out for the University as well as the local environs of both its Mount Carmel and York Hill Campuses. We believe therefore, that a broader and more cooperative approach is in the best interest of all of the stakeholders in this multi-faceted relationship. Therefore, we would offer the following alternative approach to this important topic:

The Annual Town of Hamden/Quinnipiac University Community Forum.

The Town and the University would hold an annual Community Forum beginning in the Fall of 2014 to receive and review a variety of issues of interest to the Community and the University. One of those topics this year would be the introduction of an IMP. In future years the Forum would include an annual update of the IMP to monitor conformance thereto and, if necessary, any changes the University envisions to the initial IMP. The Forum would include panel members invited by the Mayor's Office and the University, including but not necessarily limited to members of the Planning and Zoning Commission (non-quorum), the Inland Wetlands Commission (non-quorum), the Police and Fire Departments, local neighborhood associations,

the Economic Development Commission, the Chamber of Commerce, QU's Student Government Association and/or other groups or organizations with an interest in the IMP.

The University would then develop and publish the IMP so that it could be reviewed (initially and then annually) at the Forum where public input could also be received by other individuals and or groups in the community and after the Forum is concluded an advisory report could be issued by the panel members. By broadening the scope of the review, and the participants therein, not only would we both receive the benefits of a more integrated review but also a more representative approach.

Amendment to the Zoning Regulations

As far as the proposed amendment to the Regulation is concerned, we think that it would be amended accordingly to state that the University be required to submit to the process described above and that the maintenance and acceptance of a current IMP with the Forum would be a condition precedent to the filing of any future Special Permit applications by the University for any building development and that the Forum's advisory report would be admissible for consideration by the Planning and Zoning Commission in consideration of such applications.

Using the framework of you proposed Amendment to the Regulations as a starting point, the following revised language is submitted for your consideration:

Add subsection 668.2.h. Institutional Master Plan

Any college or university shall be permitted in the zones and in the manner specified in Table 6.1, provided that a FIVE -year Institutional Master plan (IMP) has been submitted to the Town of Hamden/QU Community Forum and then received and maintained on record by the Planning and Zoning Commission. (We believe that a five year plan would provide the stakeholders with more realistic expectations as to the future vision. As a stepping off point, we feel that a five year projection would be more accurate and useful). The IMP is subject to the following provisions:

1. The IMP shall include such items as:
 - A) A Statement of Institutional Aims and Objectives and an explanation of how the IMP advances the goals and objectives of the educational institution.
 - B) Map(s) and descriptions of land, buildings and other structures or facilities owned or occupied by the Institution, including footprints, gross floor areas, heights, utilities, walks, open space, parking areas and number of parking spaces.
 - C) Current and projected institutional needs for academic programs, research activities, offices and housing, explaining how they are related to the Institutional Aims and Objectives. In its discussion of housing needs the IMP shall include a detailed Student Housing Plan containing:
 - i. The number of full-time undergraduate broken down by year (using the figures provided in the IPDES report submitted to the National Center for Education Statistics) and graduate students attending the institution and projected to attend each year covered by the IMP.

- ii. The number of full-time undergraduate and graduate students currently living in housing facilities owned or operated by the Institution, broken down by year (freshman, sophomore, junior, senior and graduate) type of housing (dormitory-apartment- other type of arrangement) and location.
 - iii. The number of full-time undergraduate broken down by year (using the figures provided in the IPDES report submitted to the National Center for Education Statistics) and graduate students currently living off-campus in non-university-owned housing.
 - iv. The number and percentage of beds that are currently unoccupied.
 - v. Any housing requirements or restrictions the Institution places on its students, such as eligibility for on-campus housing and requirements to live on-campus.
 - vi. The process by which the Institution directs its students to housing facilities.
 - vii. Short and longer-term plans for housing its students on and off-campus, broken down by broken down by year (using the figures provided in the IPDES report submitted to the National Center for Education Statistics) and type of housing (dormitory-apartment- other type of arrangement).
 - viii. Impacts of the Institution's housing demand on housing supply and rental market rates in the neighborhoods adjacent to the campus and where its students are concentrated.
 - ix. A plan for mitigating the impacts of student housing demand on surrounding neighborhoods.
 - x. Any other information deemed necessary by the Commission for its evaluation of the proposed development program.
- D) Description of proposed future projects, including:
- i. Site locations and approximate building/facility footprints.
 - ii. Uses of each land area, building or structure (classroom, laboratory, office, parking).
 - iii. Gross floor area to be added.
 - iv. Gross floor area to be eliminated through demolition.
 - v. Parking to be added.
- E) Transportation and Parking Management Mitigation Plan describing:
- i. Parking to be provided during the years covered by the plan, broken down by groups eligible to use each lot or facility.
 - ii. Policies regarding on-campus parking.
 - iii. Transportation services provided by the Institution.
 - iv. A traffic study indicating the likely traffic impacts of the proposed projects.
 - v. Transportation objectives and mitigation measures intended to address these impacts.
- F) A statement of guidelines and objectives for a pedestrian circulation system, including access to open space.
- G) A statement of guidelines and objectives for new and renovated buildings to assure their compatibility with surrounding neighborhoods and to minimize potential adverse impacts on historic structures.
- H) Other information required as part of Special Permit applications.

2. Institutions with an IMP that has been submitted to the Town of Hamden/QU Community Forum and then received and maintained on record by the Planning and Zoning Commission are required to provide to the Commission an annual report detailing compliance with their plans by each anniversary of the approval.
3. Institutions with an IMP that has been submitted to the Town of Hamden/QU Community Forum and then received and maintained on record by the Planning and Zoning Commission IMP are required to provide student enrollment and housing data current as of September 15th to the Commission by October 1st of each year, including:
 - i. The number of full-time undergraduate students broken down by year (using the figures provided in the IPDES report submitted to the National Center for Education Statistics) and graduate students registered at the institution.
 - ii. The number of full-time undergraduate and graduate students currently living in housing facilities owned or operated by the Institution, broken down by year (using the figures provided in the IPDES report submitted to the National Center for Education Statistics), type of housing (dormitory-apartment- other type of arrangement) and location.
 - iii. The number of full-time undergraduate students broken down by year (using the figures provided in the IPDES report submitted to the National Center for Education Statistics) and graduate students currently living off-campus in non-university-owned housing.
 - iv. The number and percentage of beds in housing facilities owned or operated by the Institution, that are currently unoccupied, broken down by location.
4. In considering any Special Permit applications filed by an Institution with an IMP that has been submitted to the Town of Hamden/QU Community Forum and then received and maintained on record by the Planning and Zoning Commission, the Planning and Zoning Commission shall be permitted to refer to the IMP and the Advisory Report, if any, from the Town of Hamden/Quinnipiac University Community Forum in reaching its decision on such Special Permit applications. The Commission may deny those applications which it finds is not consistent with the IMP in effect at the time of submission in accordance with the Special Permit criteria contained in these Regulations.

Conclusion

The stated desire for the IMP submission and review process has been to increase awareness and garner community support for and participation in the future development of the University and the neighborhoods in which its two campuses are inextricably linked for the mutual benefit of all. We believe that the establishment of the Town of Hamden/Quinnipiac University Community Forum and its relationship with all of the interested stakeholders in the issues related thereto, including the important role that the Planning and Zoning Commission plays in accomplishing those goals and desires, provides a more diverse, fair and equitable process for all of the interested parties. Additionally, the process described above would ease the

concerns expressed in our meeting, and before the Commission on June 24, 2014, including my fears regarding the legality of the current proposed amendment.

Please let me know your thoughts.

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Draft Amendment to the Zoning Regulations
Requiring Colleges and Universities
to Obtain Special Permit Approval of
Five-Year Institutional Master Plans

Revised June 19, 2014

Note: All changes from the March 24, 2014 Version are identified

Draft Amendment to the Zoning Regulations to Require Colleges and Universities to Obtain Special Permit Approval of ~~Ten~~Five-Year Institutional Master Plans
~~March 24~~June 19, 2014

Add subsection 668.2.h. Institutional Master Plan

Any college or university shall be permitted in the zones and in the manner specified in Table 6.1, provided that a ~~ten~~five-year Institutional Master plan (IMP) approved by the Commission is in effect. The IMP is subject to the following provisions:

1. It requires Special Permit approval.
2. The IMP shall include such items as:
 - A) A Statement of Institutional Aims and Objectives and an explanation of how the IMP advances the goals and objectives of the educational institution.
 - B) Map(s) and descriptions of land, buildings and other structures or facilities owned or occupied by the Institution, including footprints, gross floor areas, heights, utilities, walks, open space, parking areas and number of parking spaces.
 - C) Current and projected institutional needs for academic programs, research activities, offices and housing, explaining how they are related to the Institutional Aims and Objectives. In its discussion of housing needs the IMP shall include a detailed Student Housing Plan containing:
 - i. The number of full-time undergraduate (broken down by year) and graduate students attending the institution and projected to attend each year covered by the IMP.
 - ii. The number of full-time undergraduate and graduate students currently living in housing facilities owned or operated by the Institution, broken down by year (freshman, sophomore, junior, senior and graduate) type of housing (dormitory-apartment- other type of arrangement) and location.
 - iii. The number of full-time undergraduate (broken down by year) and graduate students currently living off-campus in non-university-owned housing.
 - iv. The number and percentage of beds that are currently unoccupied, broken down by location and year of student the beds are designated for.
 - v. Any housing requirements or restrictions the Institution places on its students, such as eligibility for on-campus housing and requirements to live on-campus.
 - vi. The process by which the Institution directs its students to housing facilities.
 - vii. Short and longer-term plans for housing its students on and off-campus, broken down by year (freshman, sophomore, junior, senior and graduate) and type of housing (dormitory-apartment- other type of arrangement).
 - viii. Impacts of of the Institution's housing demand on housing supply and rental market rates in the neighborhoods adjacent to the campus and where its students are concentrated.
 - ix. A plan for mitigating the impacts of student housing demand on surrounding neighborhoods.
 - x. Any other information deemed necessary by the Commission for its evaluation of the proposed development program.
 - D) Description of proposed future projects, including:
 - i. Site locations and approximate building/facility footprints.
 - ii. Uses of each land area, building or structure (classroom, laboratory, office, parking).
 - iii. Gross floor area to be added.
 - iv. Gross floor area to be eliminated through demolition.
 - v. Parking to be added.
 - vi. ~~Total project cost estimates.~~

- E) Transportation and Parking Management Mitigation Plan describing:
 - i. Parking to be provided during the years covered by the plan, broken down by groups eligible to use each lot or facility.
 - ii. Policies regarding on-campus parking.
 - iii. Transportation services provided by the Institution.
 - iv. A traffic study indicating the likely traffic impacts of the proposed projects.
 - v. Transportation objectives and mitigation measures intended to address these impacts.
 - F) A statement of guidelines and objectives for a pedestrian circulation system, including access to open space.
 - G) A statement of guidelines and objectives for new and renovated buildings to assure their compatibility with surrounding neighborhoods and to minimize potential adverse impacts on historic structures.
 - H) Other information required as part of Special Permit applications. The Commission may waive any of these items if it feels they are not necessary for the proper evaluation of the application.
3. Prior to approving an IMP the Commission shall find that it is not likely to cause growth or change that will be objectionable to owners and/or tenants of neighboring properties because of noise, traffic, number of students or other objectionable conditions. In reaching its finding the Commission shall give due consideration to the information provided by the applicant, reviewing agencies and advisory bodies, as well as members of the public.
 4. The Commission may attach reasonable conditions of approval.
 5. The IMP may be amended at any time through a Major Amendment to the approved IMP.
 6. The IMP approval shall expire ~~ten~~five years from the date of its original approval by the Commission. Prior to that date a new ~~ten~~five-year IMP must be submitted for approval by the Commission.
 7. Institutions with an approved IMP are required to provide to the Commission an annual report detailing compliance with their plans by each anniversary of the approval.
 8. Institutions with an approved IMP are required to provide student enrollment and housing data current as of September 15th to the Commission by October 1st of each year, including:
 - i. The number of full-time undergraduate (broken down by year) and graduate students registered at the institution.
 - ii. The number of full-time undergraduate and graduate students currently living in housing facilities owned or operated by the Institution, broken down by year (freshman, sophomore, junior, senior and graduate) type of housing (dormitory- apartment- other type of arrangement) and location.
 - iii. The number of full-time undergraduate (broken down by year) and graduate students currently living off-campus in non-university-owned housing.
 - iv. The number and percentage of beds in housing facilities owned or operated by the Institution, that are currently unoccupied, broken down by location and year of the students the beds are designated for.
 9. **Once a ten~~five~~-year plan has been approved, applications for specific building(s), facilities, infrastructure and related items shall also require Special Permit approval or approval of an amendment to an existing Special Permit, as appropriate.** No application for specific building(s), facilities, infrastructure and related items shall be approved unless the Commission finds it consistent with the IMP in effect at the time of submission and is not likely to become objectionable to owners and/or tenants of neighboring properties because of noise, traffic, number of students or other objectionable conditions.