Don Poland Consulting

(DBA Connecticut Planning and Development, LLC)

Planning Report

Proposed Zone Change – Residential A and Planned Commercial to Multi-Family

Town of Ellington, Connecticut

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Prepared & Presented by:
Donald J. Poland, AICP
35 Putnam Heights
Hartford, CT 06106
Phone: 860-655-6897
E-mail: don@donaldpoland.com
www.donaldpoland.com

Proposed Zone Change – Residential A and Planned Commercial to Multi-Family

Findings

The proposed zone change from Planned Commercial (PC) and Residential A (RA) to Multi-Family (MF) is consistent with the planning policies of the Ellington Planning and Zoning Commission as stated in the 2008 Plan of Conservation and Development and the Comprehensive Plan of Zoning (zoning regulations and Zoning Map). More specifically, the proposed change from PC and RA to MF, in the context of the proposed zoning change location and site, provides:

- a density of development that is consistent with modern planning and smart growth practices and policies,
- a transitional use between the existing commercial development along Route 83 and residential neighborhoods east and north of the proposed site, and
- an opportunity to stimulate the local economy through construction, job creation, and consumer spending.

If approved, the proposed amendment will:

- provide for and encourage housing opportunity and choice for young and aging adults,
- encourage workforce housing that meets the local needs and market demand,
- provide an economic stimulus through job creation and consumer spending on home furnishings,
- provide support for existing and future commercial development along the Route 83 corridor, and
- implement planning policies and goals set forth in the Ellington 2008 Plan of Conservation and Development.

This report recommends that the Planning and Zoning Commission approve the proposed zone change from PC (commercial) and RA (residential) to MF (residential).

Phone: 860-655-6897 - E-mail: don@donaldpoland.com – Website: www.donaldpoland.com

Introduction

This report is prepared and presented to provide a detailed planning analysis of the proposed zone change to the Ellington Zoning Map that would change the PC and RA zoned area east of Route 83 and south of Mountain Road to a MF residential zoning district. This report demonstrates that the proposed amendment is consistent with the Town of Ellington's comprehensive plan of zoning (the zoning regulations and zoning map), is reasonably related to the police powers established in Section 8-2 of the Connecticut General Statutes, is consistent with the Plan of Conservation and Development, will not adversely impact the public health, safety, and welfare, and will foster economic development.

The report is presented in six sections. Those six sections are as follows:

I. Analysis of the Proposed Zone Change (PC and RA to MF)

II. Planning and Zoning Commission Authority and Considerations

III. Policies and the Impact of the Proposed Amendment

IV. Public School Age Children

V. The Existing Area and Suitable Uses

VI. This Proposal is Not Spot Zoning

VII. Conclusions and Recommendations

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I. Analysis of the Proposed Zone Change

The proposed zone change is shown on a map titled "Proposed Zone Change" prepared for Matthew Chapman by Gardner and Peterson Associates. The area affected by the proposed zone change is along the east side of Route 83 south of Mountain Road. The proposed zone change area includes a total of 34.94 acres (4.59 acres zoned PC and 30.35 zoned RA).

The existing area of the proposed zone change has been zoned PC and RA for many years. The PC zoned area consists of two parcels fronting on Route 83. One parcel is approximately 2.0 acres and is developed with an existing building and parking facilities. The second parcel is 'L-shaped' and extends from Route 83 north and east of the 2.0 acre parcel mentioned above and east of the Meadowview Plaza, LLC parcel that fronts on Route 83. The existing zone boundary between the PC and RA zoning districts splits this L-shaped parcel. A total of 4.59 acres zoned PC is proposed to be changed to MF. However, only 2.0 acres of the 4.59 acres can be considered as useable PC land. The remaining 2.59, due to its 'L-shaped' configuration and the split zoning designation, could not be developed as PC or RA in its current configuration.

The remaining 30.35 acres of the 34.94 acre proposed MF zoning district is zoned Residential A. The proposed zone change area is bordered to the north, east, and south by single family residential development and to the west by commercial development. Other land uses in the general area include 2-4 family residential, multi-family (more than 4-units) residential, agriculture and open space. The proposed area is just south of the intersection of Main Street and Route 83. The topography of the proposed zone change area is sloping, with an approximate elevation of 254 feet at Route 83 and 430 feet at the eastern boundary.

The proposed change from the existing PC and RA zoning districts to the MF zoning district would allow for multi-family residential development. A concept plan for the proposed zoning change area has been submitted with the application, as required by the Ellington Zoning Regulations. The MF zone allows a development density of five units per acre. Therefore, the proposed MF zone totaling 34.94 acres could yield a total of 174 housing units. The concept plan proposes a total of 172 housing units which complies with the MF zone density requirements. Of the 172 units, 88 are proposed as one-bedroom units and 84 as two-bedroom units. The zoning regulations are silent on the number of bedrooms per unit and don't drive the unit mix. Therefore, the applicant has provided a balanced mix of one- and two-bedroom units to best serve market demand. The proposed concept plan is designed into the natural slope of the land with six rows of buildings and associated parking facilities stepping up the hill. The proposed concept plan complies with MF zoning district requirements in Section 3.4 of the Zoning Regulations.

A visit to the proposed zone change area, the surrounding area, and neighboring streets revealed that the zone change area/site is mostly isolated from the neighboring residential neighborhoods. In addition, significant existing vegetation, even during this time of year with the leaves off the trees, exists and limits view of the proposed zone change area from neighboring streets. The visit to the area also revealed vacancies in commercial developments along Route 83 and adjacent to the proposed zone change area/site. These vacancies indicate soft market conditions. Most notable about the proposed zone change area/site is its location—proximity to Main Street and the town center—creating an ideal location for higher density multi-family development.

II. Planning & Zoning Commission Authority and Considerations

Each municipality in Connecticut, including Ellington, received its authority to adopt and implement zoning from the State of Connecticut. That authority is provided in *Section 8-2* of the Connecticut General Statutes. Section 8-2 identifies what a town *shall, may,* and *shall not* regulate through the adoption and implementation of zoning regulations. Examples of such authority includes protecting the public health, safety, and welfare through the regulation of things such as "the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes."

Section 8-2 also provides a commission with the authority to set standards in the regulations and to consider "conditions necessary to protect the public health, safety, convenience and property values." Protecting the public health, safety, convenience and property values is the foundation of the zoning regulations. In establishing such regulations the Commission provides both acceptable uses and the related development standards that ensure these protections.

When considering any zoning amendment to the regulations or a zoning designation change to the zoning map, zoning commissions need to understand the general intent of the zoning regulations. Section 8-2 goes on to state, "such regulations shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality." This is probably the most important statement that a planning and zoning commission needs to consider when hearing a zone change application. In addition, zoning commissions need to consider the Comprehensive Plan of Zoning, the Zoning Regulations and Zoning Map as a collective document that sets forth the community's future development plan, to ensure the proposed changes are consistent with the Comprehensive Plan of Zoning.

In the context of the proposed zoning map amendment that would allow the creation of a new Multi-Family zoning district and the conversion of existing land designated Planned Commercial and Residential A zoning districts, the Ellington Planning and Zoning Commission should consider the "suitability" of the "particular uses" permitted in the MF zone. This is consistent with the Ellington Zoning Regulation requirements in Section 3.3.1(A) MF-District Purposes and Standards and Section 1.1 Purpose. The following sections of this report discuss the planning policies, market conditions, and potential impacts of the proposed zone change and multi-family residential use in the specific location and overall community.

Phone: 860-655-6897 - E-mail: don@donaldpoland.com – Website: www.donaldpoland.com

III. Planning Policies and the Impact of the Proposed Zone Change

When considering a proposed zone change the Planning and Zoning Commission should consider if the amendment is consistent with the policies established in local, regional, and state planning documents. While the planning documents are advisory and not binding on the Commission's action related to the proposed zone change, they provide guidance and a general plan for the future of the community. The following is an analysis of the proposed amendment and its consistency or inconsistency with existing local, regional, and state planning and zoning policies.

Ellington Comprehensive Plan of Zoning: The State of Connecticut defines the Comprehensive Plan of Zoning to be the zoning regulations and zoning map as a collective document that sets forth the community's future development plan. Said plan provides property owners with a reasonable expectation for the present and future use of land within zoning districts. While communities evolve and change over time, the Planning and Zoning Commissions must have the ability to accommodate change through amendments to the Comprehensive Plan of Zoning. Such changes should be reasonable in nature and should not drastically change the character of an existing district or neighborhood or be contrary to the reasonable expectations of property owners. The Town of Ellington Zoning Regulations do not allow multi-family development as a use in any residential, commercial, or industrial zones. Multi-family developments and uses can be established and approved only by a two-step zoning process that requires a zone change to establish the MF zoning district and then, if the zone change is approved, a special permit must be granted for the specific site development. Based on this zone change and special permit process, the Ellington Comprehensive Plan of Zoning creates a policy that allows all parcels of land (over 5 acres) and located in any zoning designation (residential, commercial, and industrial) to be considered for multi-family residential development and use. Therefore, the proposed zone change from PC (commercial) and RA (residential) to MF (multi-family residential) is a reasonable change to the Comprehensive Plan of Zoning. The reason that the proposed zone change is a reasonable change to the Comprehensive Plan of Zoning is that the two-step zoning process for the approval for multi-family development and use creates a reasonable expectation for all land owners and residents, regardless of zoning district designations and locations, that multi-family use may be suitable for any location within the town. Therefore, the proposed zone change is consistent with the Comprehensive Plan of Zoning and does not create a significant change in policy or expectations for this area of town.

Ellington Plan of Conservation and Development: The Plan of Conservation and Development is an advisory policy document that allows a community to plan for future growth, development, and conservation and how it will meet the ever changing needs of the community over time. *The Planning and Zoning Commission is required by Section 8-3a of the Connecticut General Statutes to consider the policies of the Plan, but the Commission is not bound to the policies and recommendations of the Plan.* The statutory directive to consider the policies of the Plan, but not binding the local commission to those policies, recognizes the need for flexibility in planning and land use regulations and the ever changing market conditions and community needs. The Ellington Plan of Conservation and Development was completed and adopted in 2008 and provides a vision and plan for the future development of Ellington. A comprehensive review of the Plan reveals that this proposed zone change is generally consistent with the Plan of Conservation and Development. However, in reviewing the Plan it was also recognized that general market conditions, specifically the overall economy, housing market, and commercial real estate market have changed significantly since the Plan was compiled and adopted. Therefore, a number of specific provisions and policies in the Plan need to be considered.

The proposed zone change is consistent with the majority of policies and goals in the Plan of Conservation and Development. The most notable policy or strategy that the proposed zone change is consistent with is the residential development themes related to the need to provide housing opportunity for a diversity of population and specific segments of the population and housing market. This relates to demographic analysis in the Plan that demonstrates Ellington (and Connecticut) is aging and has a declining young adult population. Recent studies by the Connecticut Partnership for Strong Communities and the Home-Connecticut campaign have also documented this trend and that young adults list the lack of housing opportunities and housing affordability as a key reason for leaving Connecticut. Related to this loss of young adults is the aging of the overall population. The Baby Boomer generation makes up the largest population cohort and this generation has started to reach retirement age and will live longer than any generation has before them. This trend also creates need for housing opportunities and housing affordability.

The Ellington Plan recognizes these trends and the need for "rental housing" for the 20-34 year old cohort and "housing options" for the 75 and older cohort. Market rate one and two bedroom rental housing is an ideal match for both of these population cohorts. This is the very reason why Ellington's existing rental housing market has been so successful. In addition, The Plan recognizes that approximately 30%, almost 1/3 of the housing stock in Ellington is renter-occupied housing. This 30% rental housing is consistent with our national homeownership rate of approximately 68%, before the housing market crash. Therefore, Ellington has been providing both rental and home ownership opportunities that are consistent with market demand—creating a balance in housing stock and tenure. The Plan notes that that "percentage of renter-occupied versus total housing units rose from 27.7% to 30% from 1990 to 2000." While some may view this increase as a negative, or as indicating too much growth in multi-family rental housing, it actually indicates nothing more than a limited supply of rental housing and the market meeting that demand.

Providing a range of housing opportunities, including both rental and owner occupied housing is important for creating a well-balanced and stable community. Unfortunately, many communities view single family homes and home ownership as the most desirable means of housing and strive to maximize the percent of total such housing types and tenure. However, housing is a form of investment in the community and by creating a diversity of housing opportunities, a community diversifies its investment in housing and community. This creates greater stability in the local housing market—not having all of our housing investment in one type or tenure of housing. Since the market crash in 2008, national, regional, and local trends have indicated a decline in demand for single family housing and home ownership. More important, this decreasing demand in home ownership is creating a greater demand for rental housing and it is assumed that this will be the trend for many years to come. Therefore, the challenge for Ellington moving forward will be not only to provide approximately 30% of it housing stock as rental, but to increase its percent share of rental housing to approximately 1/3 or 33 percent. This challenge means that Ellington will need to be more intentional and proactive in creating and providing rental housing opportunities. By intentional and proactive, I mean that Ellington will need to be more open to zone changes allowing MF zoning districts and ensuring that new MF districts are located in areas serviced by sewer and water. It is easier to accommodate single family housing on private well and/or septic, than it is multi-family housing. Therefore, Ellington will need to be intentional about its priorities for allocating sewer capacity based on housing type.

This need for Ellington to be intentional and proactive in multi-family and rental housing opportunities relates to one aspect of the Plan that is inconsistent with the proposed development. The Future Land Use Plan map (in the 2008 Plan) designates the front portion of this proposed zone change area (approximately 4.59 acres) as Commercial and the remaining portion of the proposed zone change area (approximately 30.45 acres) as Moderate Density Residential (defined as "Area where residential density is expected to occur at between 1 and 2 units per acre). Unfortunately, this designation is inconsistent with the geographical location of this area/site, other recommendations in the Plan, and modern planning practices and trends related to smart growth. The proposed MF zone change area is adjacent to commercial development (and areas proposed for future commercial development) and in close proximity to Main Street (the town center area). It is also located in an area of town served by public sewer and public water. Therefore, this general area and the proposed site is an ideal location for High Density Residential (defined as "Areas where residential development is expected to occur at a density greater than 2 units per acre"). In addition, recent planning trends and practices around smart growth policies (concentrating new development into areas where infrastructure already exists) recommend that communities allow for high density residential development near town center and existing commercial development to create more livable and sustainable communities. These smart growth policies are evident in the 2008 Plan, the Route 83 Corridor Strategies and Actions, including the recommendation to "require sidewalks in connection with new development" in this corridor area. The proposed MF zone change is also consistent with other Route 83 Corridor Overview, Strategies and Actions, and Core Issues. The Plan states:

> **Overview**
> In many cases the corridor abuts well-established residential neighborhoods. Transition from the commercial frontage properties to these residential areas must be accomplished in a manner that protects the residences and does not unduly restrict the commercial properties.
>
> **Corridor Strategies and Actions**
> ...It is not recommended that any properties east of Route 83 be re-zoned to a commercial category. Conversely, where warranted by natural resource constraints, commercial zone boundaries may have to be reduced.
>
> **Protecting Existing Residential Neighborhoods**
> The vast majority of commercial properties on the east side of the corridor abut residential neighborhoods. As businesses expand or as new businesses are established, buffers and sensitive site design will be important considerations in assuring compatibility between residential and commercial uses.

Phone: 860-655-6897 - E-mail: don@donaldpoland.com – Website: www.donaldpoland.com

The proposed MF zone change will protect the existing residential neighborhoods from existing businesses and future expansion of commercial uses along the Route 83 corridor by providing a buffer—a transitional use between the commercial and single family residential neighborhoods. The proposed MF zone change will also provide higher density residential development—a critical mass of households with spendable income to support existing and future commercial development along the Route 83 corridor. In addition, as recommended by the Future Land Use Plan at this time, Moderate Density Residential (single family residential density) development in this area contradicts the Corridor Study Core Issues by placing more (an estimated 22-25) single family homes adjacent to the existing and expanding commercial area. The net effect is that the proposed zone change to Multi-Family is more consistent with the recommendations for the Route 83 Corridor than it is inconsistent with the density recommendations for this area—that have been show above to be inconsistent with modern planning practices and smart growth strategies.

The final issues to address, in regards to the proposed MF zone change and the 2008 Plan of Conservation and Development is related to the re-zoning of 4.59 acres of PC (commercial) land to MF (residential). The Plan states:

> …the total existing building area for commercial and industrial properties was 1.4 million square feet in 2004…. Net buildable land available for commercial/industrial development was calculated to be 345 acres….it was determined that the 345 acres of net buildable land could accommodate an additional 4 million square feet of commercial/industrial floor area. Thus the theoretical buildout for commercial/industrial development would be approximately 5.4 million square feet of building. Whether or not the long term development of commercial and industrial properties will approach this figure is speculative at best. It should be noted that market considerations, such as location and access, will be greater determinants of actual commercial/industrial buildout than will zoning.

The commercial and industrial buildout in the 2008 Plan demonstrates that existing commercial and industrial zoned land exists in abundance and can accommodate almost three times the commercial/industrial development that presently exists. Therefore, the loss of 4.59 acres of commercial zoned land, of which only two acres is in commercial use and buildable, will have no impact on the ability of Ellington to grow its commercial and industrial development. In addition, the last two sentences in the above quote from the Plan appear skeptical of Ellington's ability and potential to triple its commercial and industrial development.

The proposed zone change from PC and RA to MF has been shown to be consistent with the policies and goals of the 2008 Plan of Conservation and Development. More important, where the Plan is inconsistent with the proposed zone change, this report has demonstrated that changes in conditions since the 2008 Plan was adopted warrant changes in how the Plan is interpreted and that specific land use designations in 2008 do not match market conditions and smart planning policies in late 2010. In addition, the review of the 2008 Plan of Conservation and Development found that the proposed zone change is not inconsistent or in conflict with the other policies and goals stated in the Plan. These policies and goals include commercial development, municipal facilities, traffic and circulation, natural resources, and open space and conservation. Therefore,

Phone: 860-655-6897 - E-mail: don@donaldpoland.com – Website: www.donaldpoland.com

the proposed zone change from PC and RA to MF is consistent and not in conflict with the Ellington Plan of Conservation and Development.

Regional Plan of Conservation and Development: The Regional Plan of Conservation and Development 2009 (prepared by Capitol Region Council of Governments), like the local Plan of Conservation and Development, is an advisory document of regional planning policies. The Regional Plan of Conservation and Development has a limited scope and does not tend to play a significant role in the land use application process at the municipal level of government. However, recent trends in planning policy emphasize the importance for local planning policies and local developments to consider the Regional Plan of Conservation and Development. A review of the Regional Plan of Conservation and Development reveals that this proposed zone change is consistent with the general planning policies of the Regional Plan of Conservation and Development. The Regional Plan designates the area along Route 83 (including the proposed MF zone change area) as a Middle Intensity Development Area – 2. The Middle Intensity Development Area – 2 is defined as an area that "Allows greater intensity of mixed use; buildings may be totally residential or a mix of office/retail/residential or small lodging depending on market demand. This category includes village centers and mixed use development

with multi-family housing and retail. Also encourages the preservation of existing mixed use,

residential neighborhoods which already exhibit these characteristics. Buildings are 4 or fewer stories maximum." In addition, the proposed zone change is not inconsistent with any of the main policy areas and recommendations of the Regional Plan of Conservation and Development.

State Plan of Conservation and Development: The State Plan of Conservation and Development (2005 – 2010), like the regional and local Plans of Conservation and Development, is an advisory document of statewide planning policies. The State Plan of Conservation and Development also has a limited scope and does not tend to play a significant role in the land use application process at the municipal level of government. However, recent trends in planning policy emphasize the importance for local planning commissions to consider the State Plan of Conservation and Development. Associated with the State Plan is the Locational Guide Map that categorizes all land in the State into a series of land use categories. The State uses these land use designations to determine the suitability for funding local public infrastructure projects and other state grants to municipalities. The proposed zone change is located in a land use category designated as "Growth Areas." This designation by the State recognizes a location where development, including multi-family residential development, should be encouraged. Therefore, the proposed zone change is consistent with the State Plan of Conservation and Development.

IV. Public School Age Children

While the number of school-age children generated by a development may be a reasonable consideration for a planning and zoning commission, the assumptions made related to the

Phone: 860-655-6897 - E-mail: don@donaldpoland.com – Website: www.donaldpoland.com

number of public school-age children generated by residential development (single or multi-family) are often significantly inflated. Many individuals and commissions, when making assumptions on the number of school-age children, think in terms of traditional households that include two parents and two, three, or even more children. However, the traditional households of the past have been declining in numbers for many decades and have given way to the non-traditional households of today. Increase in divorce and single parent households, young people waiting longer to marry, married couples choosing to not have children, smaller family size, and other non-traditional households have greatly influenced household size and the number of school-age children generated by a residential development. This trend is confirmed by the Ellington 2008 Plan of Conservation and Development that finds, *"The size of the average household in Ellington, as well as in the County and the State, has been decreasing over time. Historical data on declining household size indicates a greater number of single person households as well as societal choices affecting the number of children per family."* Therefore, it is critical that policy decisions related to residential development and public school-age children are based in factual data, not general assumptions, perceptions, or emotions.

A comprehensive review and analysis of the Rutgers University, Center for Urban Policy Research *"Residential Demographic Multipliers for Connecticut"* was conducted to demonstrate both how the general assumptions based on perceptions of traditional households often over-inflate the number of school age children generated by a development because of the failure to recognize the impact that non-traditional households have in today's housing market. In addition, the Rutgers Multipliers are used to demonstrate that the unit mix (as proposed) of this multi-family development with 88 one-bedroom units and 84 two-bedroom will generate very few public school age children and the development will generate more tax revenue than the local cost of educating the public school age children.

The Rutgers University, Center for Urban Policy Research *"Residential Demographic Multipliers - Connecticut"* are derived from the 2000 U.S. Census. The demographic fields, differentiated by housing type, housing size, housing price, and housing tenure, have been found by Rutgers University to be associated with *statistically significant* differences in Household Size, School-Age Children, and Public School-Age Children. The multipliers are calculated for new housing, defined as units enumerated in the 2000 Census and built from 1990-2000.

The analysis of the *Residential Demographic Multipliers for Connecticut* revealed that a number of common themes that exist across all of the housing categories, tenure, household size, and school age children. These common themes are:

- Single family units with fewer than 5 bedrooms generate fewer than one public school-age child per unit.
- Single family units tend to generate higher numbers for persons per unit (i.e. household size) and school age children per unit than multi-family (5+ units) structures.
- Multi-family (5+ units) rental units tend to generate more persons and school age children per unit than owner occupied multi-family units. (However, the number of bedrooms per unit is what drives the actual number of public school age children.)

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- As the value of units increases, the number of persons per unit and the number of school-age children per unit tend to decrease.
- There is little difference between the number of school-age children between one and two bedroom units. Three bedroom units produce on average less than one public school-age child per unit.

In general, the *Residential Demographic Multipliers for Connecticut* reveal that new housing units, regardless of type and tenure, generate far fewer total persons, school-age children, and public school-age children per housing unit than is commonly assumed. For example, individuals and commissions typically assume that single family residential housing generates two or three school age children per housing unit. However, the multipliers show that single family two-bedroom units generate 0.20 public school age children (PSAC), three-bedroom units generate 0.59 PSAC, and four-bedroom units generate 0.94 PSAC. It is not until five-bedroom units that more than one (1.38) public school age child is are generated.

The following table provides the total number of school age children generated by multi-family renter occupied units. One bedroom units generate very few school age children (4 SAC per 100 units) and two bedroom units generate less than 0.5 children per unit.

Connecticut (2-1) All School Children:
School Age Children (SAC)

Structure Type Bedrooms Value 2005	Total SAC	K-2	3-6	7-9	10-12	Gr. 9 Only
5+ Units-Rent, 1 BR						
All Values	0.04	0.04	0.00	0.00	0.00	0.00
Less than $850	0.05	0.05	0.01	0.00	0.00	0.00
$850 to $1,450	0.06	0.05	0.01	0.00	0.00	0.00
More than $1,450	0.01	0.01	0.00	0.00	0.00	0.00
5+ Units-Rent, 2 BR						
All Values	0.27	0.10	0.07	0.06	0.03	0.02
Less than $1,300	0.48	0.20	0.10	0.13	0.05	0.02
$1,300 to $1,800	0.19	0.06	0.08	0.02	0.03	0.01
More than $1,800	0.13	0.03	0.03	0.05	0.02	0.04

The following table provides the total number of public school age children generated by multi-family renter occupied units. One bedroom units generate very few school age children (4 PSAC per 100 units) and two bedroom units generate less than 0.5 children per unit.

Connecticut (3-1) All Public School Children:
School Age Children in Public School (PSAC)

Structure Type Bedrooms Value 2005	Total PSAC	K-2	3-6	7-9	10-12	Gr. 9 Only
5+ Units-Rent, 1 BR						
All Values	0.04	0.04	0.00	0.00	0.00	0.00
Less than $850	0.05	0.04	0.01	0.00	0.00	0.00

$850 to $1,450	0.06	0.05	0.01	0.00	0.00	0.00
More than $1,450	0.01	0.01	0.00	0.00	0.0	0.00
5+ Units-Rent, 2 BR						
All Values	0.25	0.08	0.07	0.06	0.03	0.02
Less than $1,300	0.46	0.19	0.10	0.13	0.04	0.02
$1,300 to $1,800	0.18	0.05	0.08	0.02	0.03	0.01
More than $1,800	0.11	0.02	0.03	0.04	0.02	0.03

Utilizing the Rutgers Demographic Multipliers based on the proposed units mix and the assumed rental prices of the units in the proposed MF zone change development, the following table provides the estimated demographic make-up of the development including total persons, total school age children, and total public school age children.

The Proposed Residential Development
Total Persons – School Age Children (SAC) – Public School Age Children (PSAC)

		Multipliers			**Proposed Development**		
Unit Totals	**Structure Type by Bedrooms Value 2005**	**Total Persons**	**SAC**	**PSAC**	**Total Persons**	**Total SAC**	**Total PSAC**
88	**Multi-Family Units – 1 Bedroom**						
	$850 to $1,450	1.46	0.06	0.06	128.48	5.28	5.28
84	**Multi-Family Units – 2 Bedroom**						
	$1,300 to $1,800	2.20	0.19	0.18	184.80	15.96	15.12
172	**Total Units**						
	Total				**313.28**	**21.24**	**20.40**

Based on the Rutgers Demographic Multipliers and the unit mix of the proposed zone change development, it is estimated that a total of 20.40 public school age children would be generated. Individuals and commissions first reactions to these numbers tend to be skeptical. However, when compared to actual town based data (the number of students living in specific developments) the multipliers are found to be accurate. For example, public school children data compiled on the Autumn Chase apartments (253 units, 57 one-bedroom and 195 two-bedroom) in 2007 revealed 17 public school children, a multiplier of 0.067. The Johnny Appleseed apartments (120 units, 96 one-bedroom and 24 two-bedroom), also in 2007, revealed 3 public school age children, a very low multiplier of 0.025. What becomes very evident when comparing the Rutgers Demographic Multipliers to actual data from existing developments in Ellington, is that units mix and number of bedrooms are what determines the number of students generated by specific developments.

An analysis I conducted and report that I produced in South Windsor in 2009 (I believe the Ellington Commission has seen it) found that "...2020 [multi-family] housing units in...21 developments generate a total of 515 public school age children or 0.25 public school age children per unit." This higher multiplier (than what is demonstrated in the table above) was a result of both multi-family developments with detached units and many three-bedroom units—both of which generate more school age children than one- and two-bedroom rental units.

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By using the proposed MF zone change development unit mix, the projected public school age children based on the multipliers, and local education enrollments and cost, estimated fiscal impacts can be calculated. The Town of Ellington spends less than $12,000 per student (including State funding through Education Cost Sharing (ECS), there for the local tax cost is less). Ellington receives approximately $9.5 million from the State through the Education Cost Sharing program and town spends approximately $30 million on education. Therefore, approximately 30% of Ellington's education costs are paid by the State, not local property taxes. Assuming a total cost of $12,000, minus the 30% state funding by ECS, the local cost per student is approximately $8,400.

Using actual tax payments ($607,380.28) on four multi-family rental properties (Autumn Chase, Johnny Appleseed, Pinney Hill, and Townhouse Gardens) with a total of 490 units, a per unit tax generation value of $1,239.55 is assumed for the 172 proposed units. Multiplying the 172 units by $1,239.55 equals estimated taxes generated by the 172 units as $213,202. Multiplying the local share of the cost per student of $8,400 by the 20.40 PSAC generated by the proposed zone change development equals $171,360, $41,842 less than the taxes generated by the 172 units.

Utilizing the existing Residential A zoning requirements, it is assumed that the zone change area could yield between 22 and 25 single family residential homes. Using the Rutgers Demographic Multipliers for single family detached housing units and assuming a unit mix of 12 three-bedroom units and 11 four-bedroom units (a conservative assumption since recent trends in single family housing developments has favor 4-bedrooms), a total of 23 units, would generate 17.42 public school age children—only 2.98 fewer students than 172 multi-family units. However, the 172 unit multi-family development would generate far more in real property taxes than 23 single family homes. For example, the 2007 Median Home Sales Value (a higher value than today) provided by CRCOG for Ellington was $320,000 or an assessed value (70% of market) of $224,000. Multiplied by 23 units, the total assessed value would be $5,152,000 and multiplied by the mill rate of 25.3 (0.0253) the total taxes received by the Town would be $130,345. However, when we multiply the local cost per student of approximately $8,400 by the 17.42 PSAC based on the existing single family zoning would provide, the development local education cost would be $146,328, $15,983 less than the taxes generated by the single family housing. The outcome is that a multi-family rental development and use, as proposed, is more likely to be a fiscal positive than a single family residential development.

Another means of tax revenue to be considered is the motor vehicle taxes that will be generated by the proposed multi-family residential development compared to a single family residential development under the existing zoning. To demonstrate this comparison, let's assume that the 23 unit single family housing development will have 2.5 motor vehicles per unit (since three and four bedroom single family units generate more than more than three persons per unit, more than two cars per unit is assumed), a total 57.5 motor vehicles, and the average assessed value is $10,000 per vehicle or a total of $575,000. Multiplied by the mill rate (25.3), the 57.5 automobiles would generate $14,547 in motor vehicle taxes. The zoning regulations require 2 parking spaces per unit for multi-family development. Therefore, we will assume the proposed zone change development of 172 units would generate 344 motor vehicles (2 vehicles per unit, fewer than the 2.5 assumed for single family residential above). Using the same calculations as used above, the 344 motor vehicles would generate $87,032 in taxes. Once again, the multi-

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family residential development is more likely to be a fiscal positive than a single family residential development.

The last means of revenue to consider is the onetime sewer connection fee assessed by the Water Pollution Control Authority (WPCA). At this time, that fee is $1,700 per bedroom. The 23 single family housing units, under the existing zoning are estimated to generate approximately 142 bedrooms (same unit mixed/bedrooms used for the per student cost estimates above), a onetime total sewer connection fee of $142,800 would be collected. The proposed multi-family zone change development, as proposed, would yield 256 bedrooms, generating a onetime sewer connection fee of $435,200, a total of $292,400 more than the single family housing development. This report and the associated calculations recognize that such fees (including additional permit and inspection fees would be of greater value for the proposed multi-family zone change development) are designed to offset real costs to the Town. In addition, it is recognized that both the proposed multi-family zone change development and single family housing development would require other town services, such as emergency services. While the proposed multi-family zone change development with 172 units may generate more in emergency services and costs than a 23 unit single family housing development, there are other services and costs that would be absorbed by the proposed multi-family development. For example, all roads within the development would be private, owned and maintained by the development. In addition, the cost of trash collection would be absorbed by the development, not the Town. Therefore, it is assumed that these other costs and savings essentially balance out over time and that the proposed multi-family zone change development is more likely to be a fiscal positive than a single family residential development.

The following table provides a list of Ellington's Top Ten Taxpayer Accounts in 2009. Eight of the top ten taxpayers are multi-family residential developments.

Town of Ellington Top 10 Taxpayer Accounts – Levy Year 2009

Name	Assessment	Mill Rate	Taxes
Deer Valley LLC	$19,907,770	25.3	$503,666
Autumn Chase LLA	$16,489,140	25.3	$417,175
Cornerstone Ellington LLC	$9,068,140	25.3	$229,423
CT Water Company	$8,217,330	25.3	$207,893
CT Light and Power	$7,446,800	25.3	$188,404
Cornfield Associates LTD	$6,741,270	25.3	$170,554
GPT-High Meadow LLC	$4,481,250	25.3	$113,375
Meadowbrook Apartments LLC	$4,416,240	25.3	$111,730
Johnny Appleseed LLC	$4,343,130	25.3	$109,881
Ellington Purchasing Corp	$3,951,890	25.3	$99,982

The above table demonstrates the importance of multi-family (rental) residential development in the context of Ellington's grand list. These eight multi-family (rental) residential developments account for approximately $2 million in real property taxes and demonstrate that multi-family (rental) residential properties are significant and important to Ellington's tax base. In addition, it has been demonstrated above that multi-family (rental) residential properties, when providing a unit mix of one- and two- bedroom units, are a fiscal positive in relation to local education costs.

V. Existing Conditions and Suitable Uses

Neighborhoods and towns are not static. They are living, changing environments that evolve over time. How they evolve is dependent on many factors. Some of these factors include market conditions, relative location within the greater market, consumer preferences, planning policies, and land use regulations. As a town evolves over time, land use plans, and more specifically, zoning regulations must adjust to the changing times and market demands. Planning is about seeking a vision for the future and trying to predict future conditions and demands, with the risk of being wrong. Therefore, planning must be fluid, not rigid, and plans and regulations must be able to adjust to changing conditions.

The Town of Ellington, like many communities in Connecticut, worked on their Plan of Conservation and Development during the peak of our last real estate and job market boom. The Plan was adopted in April 2008, a period when the market had slowed, but six months before the market crash in October 2008. Therefore, it is important to realize that the market has changed since the plan was compiled and adopted. The upward trends that were depicted in the Plan have slowed, leveled off, or declined. The housing market has declined greatly, especially the single family residential housing market. The State of Connecticut housing/building permit data (DECD) shows that Connecticut peaked in 2005 issuing 11,885 permits for new housing. In 2008 the total number of permits fell to 5,220 and in 2009 the total number of permits fell to 3,786. Preliminary data for 2010 does not look much better than 2009. Ellington's housing permits peaked in 2004 at 143 and fell to 87 in 2008 and then 72 in 2009, half of the total number of permits than in 2004.

The fact is, new housing construction has been a significant portion of our national and local economy for decades. Not only does new housing generate jobs related to its production, but it also generates spending on home furnishings and other related products and services once it is built. The Ellington Plan places significant importance in growing the town's commercial and industrial based (including jobs and businesses). While doing so was a challenge in 2008 when the Plan was adopted, it is even a greater challenge today. A drive along Route 83 reveals a number of vacant commercial spaces, some a result of our weak economy. The proposed zone change, that would result in 172 new housing units provides Ellington the opportunity to stimulate its local economy through much needed construction jobs, spending on home furnishings and related products and services, and by adding 172 households and over 300 persons to the community—new consumers who will further support local business.

The sewer flow allocation for the proposed zone change area is approximately 7,034 gallons per day, which can support approximately 112 bedrooms at 62.4 gallons per bedroom. The proposed development of 172 housing units would result in 256 bedrooms, 144 more than the allocation for the area. As discussed above in regards to the increased need and demand for rental units and smart growth strategies (also recommended by the Regional Plan), the proposed zone change area is located along the Route 83 commercial corridor, is near Main Street and the town center, and is serviced by both sewer and water. Therefore, allocating greater sewer capacity to this area/site is consistent with modern planning principles and the need and demand for multi-family rental units.

The proposed zone MF change will provide a suitable use for this area, creating a transitional use between the commercial development fronting on Route 83 and the existing neighborhoods east

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of the commercial corridor. The location is consistent with modern planning principles to concentrate future growth near town centers, commercial corridors, and in areas supported by infrastructure. In addition, the proposed zone change and end use will provide much needed economic activity both during and after construction.

VI. This Proposal is not Spot Zoning

The Ellington Planning Commission heard a similar application for this area in 1987. During that hearing on the previous application, concerns were raised related to spot zoning. In addition, the Commission cited spot zoning as one of its reason for denying the previous application. The concern of spot zoning is understandable since planning and zoning commissions are often concerned with the potential of spot zoning when considering applications that cover a small geographic area or property owned one or two individuals. Therefore, in the context of this application, it is reasonable to demonstrate that this proposed application does not constitute what is known as spot zoning. Spot zoning is typically associated with a small area of land being re-zoned for the benefit of one property owner. However, it is questionable whether spot zoning can exist in our modern age of land use regulations that focus on zoning techniques (overlay zones, floating zones, special permits, and special exceptions) that single out specific properties and locations and often benefit only one property owner.

The two-step process, established in the Zoning Regulations, for approving multi-family developments and uses, as discussed above, is exactly one of the zoning techniques that raises questions as to whether spot zoning can even exist in our modern age of land use regulations. The Ellington Zoning Regulations, that do not allow multi-family uses in any zone, and require a zone change to the MF zone followed by special permit for site plan approval, have created a scenario where all proposals for multi-family developments and uses, must be area and site specific regardless of ownership. Therefore, it is not reasonable to assume that approving any such proposed MF zone change will result in spot zoning. In addition, this report has demonstrated that the proposed location, area/site, and use are consistent with the Comprehensive Plan of Zoning, the Ellington Plan of Conservation and Development, and the Regional and State Plans. Therefore, this application is not an example of spot zoning.

VII. Conclusion and Recommendations

In 1987 the Planning and Zoning Commission heard and denied an application for a zone change to the MF zoning district at this same location. The Commission's reasons for denying the application were that the applicant failed to demonstrate why the zone change was in the best interest of the town, that the zone change was inconsistent with the Plan of Conservation and Development, that the MF zone was considered to be spot zoning, that sewer capacity was not secured for the site, and that ample undeveloped multi-family zoned land existed in town. Since 1987, Ellington has rightfully approved many multi-family developments. In addition, circumstances have change.

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This report, as part of this application for the proposed zone change, has demonstrated that these past reasons for denying a MF zone in this area are no longer relevant since circumstances have changed. This report has demonstrated why this zone change is in the best interest of the community and that it is consistent with not only the local Plan of Conservation and Development, but also the Regional and State Plans of Conservation and Development, and the local Comprehensive Plan of Zoning. This report has also demonstrated that this proposed zone change is not spot zoning, based not only on the merits of the proposal, but also based on the zoning change process required and imposed by the Zoning Regulations. In addition, this report has demonstrated that sewer capacity is allocated for this area/site to support multi-family development and why more sewer capacity should be allocated to support higher density development based on sound planning principles. And last, in regards to the previous application for this area/site, this report has demonstrated that there is no undeveloped land in Ellington zoned for multi-family development (this does not include units that have been approved in other multi-family developments, but not yet developed). The reason for this is the Commission's own Zoning Regulations that do not allow multi-family developments and uses in any zoning district, requiring each potential and proposed multi-family development to seek a zone change to the MF zone and then a special permit for site plan approvals.

Most important, this report has demonstrated that planning, plans of conservation and development, and zoning need to be flexible and nimble—able to accommodate changing conditions, needs, and markets. As discussed above, much has changed since 2008 when the Plan of Conservation and Development was adopted. The demand for housing opportunities—multi-family rental units—is more true now than it was in 2008. Ellington has an opportunity with this application to be intentional and proactive in providing housing opportunities. In addition, Ellington has an opportunity, in the weak and sluggish economy, to create jobs, increase its grand list, and stimulate consumer spending that will benefit local businesses. It is recommended that the Ellington Planning and Zoning Commission approve this proposed zone change.

Respectfully Submitted,

Donald J. Poland, AICP
Planning Consultant

[This Planning Report was prepared by Donald J. Poland, AICP of Connecticut Planning and Development, LLC. The findings and recommendations presented here are based on sound planning principles and the professional expertise of Mr. Poland. The information and opinions provided in this report are specific to the proposed application, location, and community and should not be interpreted to apply to any other applications, locations, and/or projects.]

DONALD J. POLAND, MS, AICP

COMMUNITY STRATEGY - PLANNING – URBAN GEOGRAPHY
PROFESSIONAL BIOGRAPHY

Mr. Poland is a professional planner and urban geographer with fifteen years' experience in land use planning, neighborhood redevelopment, and executive level management. He has worked in public, private, and non-profit sectors as a municipal planning director, planning and development consultant, and as executive director/CEO of a non-profit neighborhood reinvestment corporation.

As Executive Director/CEO for The Neighborhoods of Hartford, Inc., a 501(c)(3) non-profit corporation, Mr. Poland had the exciting challenge of building a successful neighborhood reinvestment organization and implementing a "Healthy Neighborhoods" strategy. He is recognized as a leader and expert on neighborhood and housing issues. Mr. Poland is currently a consultant for St. Bernard Parish, Louisiana, assisting with post-Katrina redevelopment and land use strategies.

Mr. Poland previously held the position of Director of Planning and Development for the Town of East Windsor. As Director, he reorganized the planning, zoning, wetlands, building, and economic development departments into one agency, facilitated the creation of the Town's Plan of Conservation & Development and drafted a comprehensive rewrite of the zoning regulations.

As a dedicated professional and leader, Mr. Poland is President of the CT Chapter of the American Planning Association (CCAPA) and past Chairman of the CCAPA Government Relations Committee. Mr. Poland is a founding member, Secretary, and Executive Director for the Connecticut Partnership for Balanced Growth. He also serves on the Board of Trustees for the CT Trust for Historic Preservation.

Mr. Poland has established himself as a leader in planning and public policy. As Government Relations Chair for CCAPA he assisted the Legislature's Planning and Development Committee with bill screening and drafting legislation. Mr. Poland worked on APA's development of a smart growth policy guide and was a member of the National Delegates Assembly that adopted the APA Smart Growth Policy Guide. He also presented a lecture titled "Steering States Towards Smart Growth" at the APA national conference in Denver.

Mr. Poland earned a Bachelor of Arts degree majoring in both Geography and Psychology, from Central Connecticut State University and studied at Bolton University in Bolton, England. He earned a Master of Science degree in Geography, concentrating in Planning, from CCSU and is a certified member of the American Institute of Certified Planners. He is currently working on his PhD in urban geography at University College London, London, England.

Mr. Poland has taught world regional geography as an adjunct lecturer at Saint Joseph College and teaches an introduction to geography and urban geography at Manchester Community College. Mr. Poland also teaches an introduction to planning at CCSU. He was awarded the Connecticut Homebuilders 2003 Outstanding Land Use Official Award and was recognized by the Hartford Business Journal as one of Hartford's Forty Under Forty business and community leaders. Mr. Poland is a licensed private pilot and lives in the city of Hartford.

Don Poland Consulting

(DBA Connecticut Planning and Development, LLC)

Prepared & Presented by:
Donald J. Poland, AICP
35 Putnam Heights
Hartford, CT 06106
Phone: 860-655-6897
E-mail: don@donaldpoland.com
www.donaldpoland.com