

**DEPARTMENT OF PLANNING AND DEVELOPMENT**

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**MEMORANDUM**

TO: Planning and Zoning Commission

FROM: Mark Wujtewicz, Planner

DATE: April 25, 2023

TITLE: Staff Report: Private Clubhouse/Pickleball Court  
358 - 360 Mago Point Way  
Site Plan/Special Permit Application PL-23-5

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**EXECUTIVE SUMMARY**

The project as proposed is to repurpose an existing vehicle repair facility with associated site improvements in support of an existing pickleball court facility. The existing vehicle repair structure will be the principal structure on the property as the private clubhouse. The proposed improvements and use of the property as a recreational use as listed in Section 14a.3.15 requires an approval of a Site Plan and Special Permit by the Planning and Zoning Commission.

The parcel is located within the Coastal AE13 FEMA designated Special Flood Hazard Zone. Minimal improvements to the building are proposed in order to maintain compliance with FEMA requirements by keeping the cost of improvements to the structure to an amount less than 50% of the appraised value of the structure. Based on FEMA design requirements, improvements to the site that are not part of the building are not included within the 50% cost threshold.

Site improvements to the property will include four onsite parking spaces including one ADA compliant space for passenger vehicles in addition to 2-shared parking spaces located at 361 & 363 Mago Point Way. Both properties are owned and under the control of the applicant.

Additional site improvements proposed include extensive on site landscaping, a location designated for a food truck with outdoor seating that will be available for public use. Improvements are also proposed along the frontage of the property in accordance with the Mago Point District streetscape standards including sidewalk and on street parking spaces.

## BACKGROUND

### Pertinent Regulations

CGS 8-3(g)

Permitted Use within the District:

Section 14a.3 (15) – Recreational uses

Section 14a.3 (9) – Seasonal Outdoor Dining

Section 20 – Off Street Parking

Section 22 – Site Plans

Section 22b – Design Review of Site and Building Requirements

Section 23 – Special Permits with Design Review

Section 25.3 – Development in Flood Hazard Areas

Section 25.4 – Coastal Area Management

The Planning and Zoning Commission received this application on March 28, 2023. The Public Hearing was advertised in The Day on April 11 and April 18, 2023. The Public Hearing was opened on April 25, 2023.

Staff provided to the applicant review comments from various Town agencies and in response to comments, revised plans and reports were received April 18, 2023.

## DISCUSSION

The use as proposed for a recreational facility is one that requires a Special Permit in accordance with Sections 14a.3.15 and 23 of the Zoning Regulations. Before the Planning and Zoning Commission can approve a Specially Permitted Use it must determine that the proposed use conforms to the required findings listed in Section 23.5 of the Zoning Regulations. The applicant has provided statements of consistency with the required findings (Exhibit 1b). Staff has reviewed those statements as presented by the applicant and confirm that the use as proposed is consistent with these findings.

The amount of parking required to support the use in accordance with Section 14a.7.1 (a) of the Zoning Regulations is six. The applicant proposes to provide 4 parking space on the site and 2 spaces to be provided offsite in accordance with Section 14a.7.1 (e). The applicant has entered into the record shared parking plans (Exhibit 7) that identify offsite parking spaces located at 361 and 363 Mago Point Way which are within 1,200 feet of the proposed use and are owned by the applicant of 358-360 Mago Point Way, the location of this proposal. The parking spaces identified as shared for this proposal meet the criteria established in Section 14a.7.1(e). The shared use of those spaces still provide adequate parking for the approved uses located on 361 and 363 Mago Point Way. The Commission may approve the use of offsite parking spaces provided the use of those spaces are identified on the site plan (Zoning Note #7B) and is included in the decision of the Commission.

The streetscape improvements proposed on the site plan are in conformance with the Streetscape Configuration standards listed in Zoning Regulation Section 14a.5.3 for the South Side of Mago Point Way. The applicant will construct these improvements and appropriate

easement documentation will be submitted and reviewed by the Department of Public Works and the Town Attorney as to form prior to the issuance of a Certificate of Zoning Compliance for the building improvements. A Quit Claim Deed to the Town will be required for the area outside of the existing Town Right of Way of Mago Point Way that includes a portion of the on-street parking spaces to the curb of the proposed sidewalk.

The parcel is located within the Federal Regulated FEMA Special Flood Hazard Area Coastal AE with a Base Flood Elevation of 13. The applicant is proposing to limit the cost of improvements to the building to no more than 50% of the appraised value of the building as identified on the most recent Town of Waterford Assessor records. By limiting the cost of improvements to the building to an amount less than or equal to 50% of the appraised value of the structure, the applicant can maintain the FEMA exemption that would require elevating or reconstructing the entire building to FEMA design requirements. The Building Official and Zoning Official will review the associated costs of building improvements at the time the applicant submits for building permits.

While the parcel is located within the Coastal Boundary, the improvements proposed are exempt from Coastal Site Plan review. The exemptions from Coastal Site Plan Review for this application is in accordance with Sections 25.4.2a.1 relative to the landscaping improvements, 25.4.2a.2 as minor modification to the existing building and Section 25.4.2a.4 as modification of existing on premise structures including the walkways and driveway installation using paver materials.

The food truck/trailer use and associated outdoor seating proposed by the applicant is permitted with Site Plan approval in accordance with Section 14a.3(9) of the Zoning Regulations. The applicant proposes this use as well as the pickleball clubhouse to be seasonal in nature, operating from April to November each year. The food truck/trailer and associated seating identified on the site plan will be available to the public while the pickleball court and clubhouse facilities will be for private membership use only.

### RECOMMENDED ACTION

Based on the information provided, staff recommends the Planning and Zoning Commission find that:

#### Findings:

1. The application is for uses permitted subject to Special Permit and Site Plan approval, pursuant to Sections 14a.3(15) and 14a.3(9) of the Waterford Zoning Regulations.
2. The statements of Special Permit Findings provided by the applicant in accordance with Section 23.5 identifies that the proposed use is consistent with sections 23.5.1 through 23.5.9.
3. The application meets the criteria for site plan approval, pursuant to Section 22 of the Waterford Zoning Regulations, subject to condition 3.
4. The plan as presented conforms to Section 14a.7.1(e) in that the off site parking spaces have been identified on shared parking plans submitted into the record as Exhibit 7.

5. The application is in conformance with Section 25.3, Development in Flood Hazard Areas, of the Waterford Zoning Regulations.
6. The proposed activity is exempt from a Coastal Area Management Site Plan Review in accordance with Sections 25.4.2a.1, 25.4.2a.2 and 25.4.2a.4 of the Zoning Regulations.
7. This application has been reviewed by the Town of Waterford Design Review Board in accordance with Section 22b of the Waterford Zoning Regulations and which Board submits a positive report to the Planning and Zoning Commission

and that the Commission approve with modifications the proposal (with the following conditions):

1. Easement and support documentation for the proposed sidewalk along Mago Point Way shall be submitted and reviewed by the Department of Public Works and the Town Attorney as to form prior to the issuance of a Certificate of Zoning Compliance for the building improvements.
2. A Quit Claim Deed to the Town shall be required for the area outside of the existing Town Right of Way of Mago Point Way that includes a portion of the on-street parking spaces to the curb of the proposed sidewalk. This shall be submitted and reviewed by the Department of Public Works and the Town Attorney as to form prior to the issuance of a Certificate of Zoning Compliance for the building improvements
3. The existing conditions survey must be provided prior to filing the final plans on the land records.

### **Proposed Motion**

**To approve with modifications the site plan for New Pickleball Court and Clubhouse with Seasonal Outdoor Dining application #PL-23-5 at 358 & 360 Mago Point Way with conditions 1 thru 3 and adopt the findings 1 thru 7 of the staff report.**