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REPORT OF THE REFERRALS COMMITTEE

September 29, 2009

Committee Chairman Jack Halpert called the Tuesday, September 29, 2009 Referrals Committee meeting to order at 2:00 p.m. Also in attendance were Committee members, Mr. Robert Byrnes, Ms. Amy Harris, Mr. Paul Settlemeyer, Mr. Michael Stashower and Dr. Margaret Wirtenberg. Floyd Lapp, Executive Director, and Benjamin Henson, Regional Planner of SWRPA were also present. The Committee recommends the following actions related to the referrals reviewed at the meeting which was adjourned at 2:45 p.m.:

Referral No. 09-50 – Text Amendment, Zoning Regulations, Ridgefield

Referrer: Ridgefield Planning & Zoning
Applicant: Ridgefield Planning & Zoning

Received: September 11, 2009
Hearing: October 20, 2009
Contact: Betty Brosius
Authority: 8-3b

Proposal: Amendments to Sections 5.3.C, 5.4.C and 5.5.D.4 of the Ridgefield Zoning Regulations.

Description: The amendments are proposed to permit limited, ancillary sale of goods in non-retail zones. Text to be added is underlined; text to be removed is stricken –through:

5.3.C Permitted Uses in the Business B2 Zone

10. Ancillary retail sales of goods directly related but clearly incidental to the principal commercial use, service business, medical office or recreational use, provided that the display area for such retail sales shall not exceed the lesser of 10% of the gross customer area or 200 s.f.

5.4.C Permitted Uses in the Business B-3 Zone

9. Ancillary retail sales of goods directly related but clearly incidental to the principal commercial use, service business, medical office or recreational use, provided that the display area for such retail sales shall not exceed the lesser of 10% of the gross customer area or 200 s.f.

5.5.D.4 Corporate Development District

4. Medical and medical paraprofessional offices and facilities, provided that:

- a. the parcel is larger than twenty-five (25) acres;
- b. the parcel has frontage on two state highways; and
- c. no overnight stays are permitted; and
- d. ancillary retail sales of goods directly related to but clearly incidental to the principal use are permitted, provided that the display area for such retail sales shall not exceed the lesser of 10% of the gross customer area or 200 s.f.

Staff Comments & Recommendation: The proposed amendments permit ancillary retail sales in the Business B-2, Business B-3 and Corporate Development District zones and restrict the size of sales areas to the lesser of 10% gross customer area or 200 sq. ft. The proposed changes do not appear to pose inter-municipal impacts.

Referral No. 09-51 – Text Amendment, Zoning Regulations, Ridgefield

Referrer: Ridgefield Planning & Zoning
Applicant: Donnelly, McNamara & Gustafson, P.C.
Received: September 11, 2009
Hearing: October 20, 2009
Contact: Betty Brosius
Authority: 8-3b

Proposal: Amendments to Sections 3.2.C.6 and 2.2 of the Ridgefield Zoning Regulations.

Description: The amendments are proposed to alter the requirements of the Adaptive Re-Use Regulation and add a new definition of the term “Streetscape”. Text to be added is underlined; text to be removed is stricken –through:

3.2.6 Adaptive Reuse of Historic or Significant Buildings

To encourage the preservation, restoration and maintenance of existing residential buildings, streetscapes, accessory structures, and related outbuildings properties of historical or architectural significance or those otherwise deemed by the Commission to be worthy of preservation, the Commission may grant Special Permit approval for the adaptive use of said structures ~~along U.S. highway Route 7 in Ridgefield,~~ for business, professional, and/or business enterprise purposes, including accessory dwelling units on upper floors, where the Commission finds, based on evidence submitted and its own deliberations, that:

- a. The structure has historic ~~and/or~~ architectural significance or is otherwise worthy of preservation;
- b. The property on which the structure is or will be located will have frontage on the following roads to Ridgefield only:
 - i. U.S. Route 7 (Ethan Allen Highway and portions of Danbury Road north of the intersection State Route 35); or
 - ii. The west side of Main Street between North Salem Road (at the northerly boundary of Assessor’s Lot E14-0014) and Pound Street.
- c. The applicant demonstrates that the nature and conduct of such use and any proposed improvements will enhance and or preserve: (i) the exterior integrity and appearance of the

- structures; (ii) the aesthetic appearance of the property; and (iii) ~~maintain~~ the general character of the neighborhood;
- d. The nature of the proposed adaptive reuse (~~type of used, occupancy, hours of operation, traffic generation; building appearance~~) will be compatible with the character of the area, including the type of use and occupancy, hours of operation and traffic generated thereby; and
- e. The adaptive reuse will ~~not result in a substantial departure from a residential use appearance or that generates significantly higher traffic levels on a regular basis or with the character of the area;~~ maintain a substantially residential appearance.

2.2 Definitions

Streetscape. A design term referring to all elements that constitute the physical makeup of a street and that, as a group, define its character, including, but not limited to: building frontage; street paving; street furniture; landscaping (including trees and other plantings); awnings; marquees; signs; and lighting.

Staff Comments & Recommendation: The attached memorandum from Robert Jewell explains that the intent of the amendments is the “expansion of this regulation to four (4) properties additional properties: 607 Main Street; 609 Man Street, 613 Main Street and 621 Main Street.” Ridgefield borders Wilton to the north; however, the proposed changes do not affect any land adjacent to Wilton. Considering this, the proposed amendments do not appear to pose potential inter-municipal impacts. As a courtesy, SWRPA recommends notification of the proposed changes to Wilton.

Referral No. 09-52 – Text Amendment, Zoning Regulations, Stamford

Referrer: Stamford Zoning Board - Land Use Bureau

Applicant: Richard W. Redniss

Received: September 24, 2009

Hearing: October 26, 2009

Contact: Norman Cole

Authority: 8-3b

Proposal: Amendments to add new Subsection 9.7 to Article III, Section 4-AA-9, CB District Regulations of the Stamford Zoning Regulations.

Description: Text to be added is underlined; text to be removed is stricken-through:

9.7 Master Plan Conformance – The C-B District is located in many different Master Plan Categories. In order to ensure consistency with the Master Plan, notwithstanding the above, the following special standards shall apply:

a. Development within Downtown Master Plan Category #9:

- (1) All development is subject to Special Exception and site plan approval of the Zoning Board.
- (2) Ground floor retail uses shall be limited to the first 140 linear feet off Summer Street.
- (3) New development beyond the first 140 linear feet off Summer Street shall be limited to parking, residential, and/or business and professional office uses, and is encouraged to be landscaped and compatible with “house like” buildings.

- (4) Compliance with Section 7-K need only comply for the first 50 feet adjacent to any more restrictive zone.
- (5) The location, design, and amount of open space shall be determined by the Zoning Board.

[[OPTIONAL]]

b. Development within Downtown Master Plan Category #10:

- (1) All development is subject to Special Exception and site plan approval of the Zoning Board.
- (2) Compliance with Section 7-K need only comply for the first 50 feet adjacent to any more restrictive zone.

[[OPTIONAL]]

c. Development within Master Plan Categories #6 and #7:

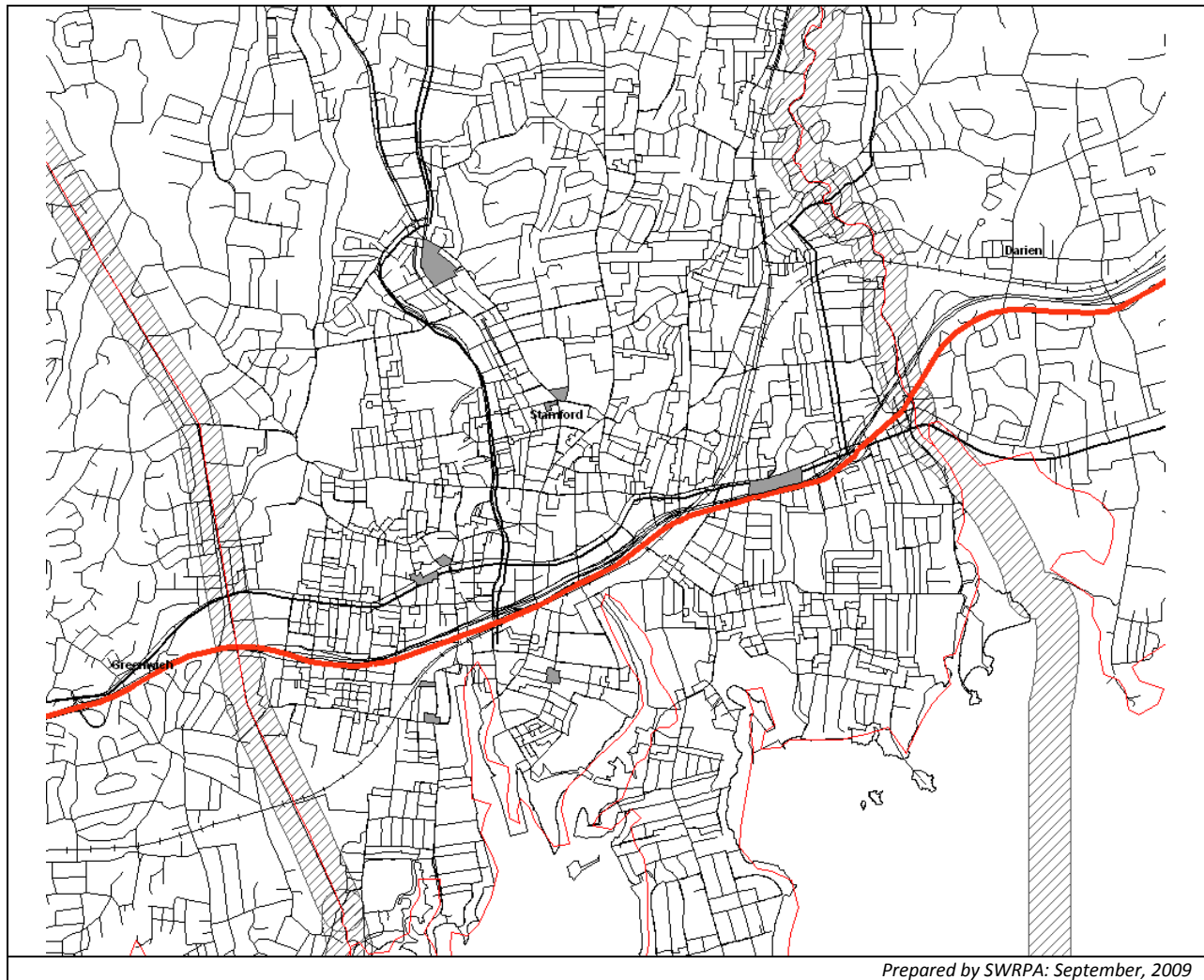
- (1) Residential density shall not exceed the permitted density of Master Plan Category #3.

For reference, the above-referenced Master Plan land use categories are as follows:

- 6. Commercial – Neighborhood Business
- 7. Commercial – Arterial
- 9. Downtown – Collar, Mixed-Use
- 10. Downtown – Corridor

The C-B District is shown in *Figure 1* below:

Figure 1 – Applicable Zoning Districts – Stamford, CT



Staff Comments & Recommendation: The proposed changes have the effect of applying varying levels of zoning requirements to the C-B District as per the Master Plan Map. This appears to be an effort to align zoning with the Master Plan in order to ensure that development occurs in a manner consistent with the Master Plan which aims to graduate the intensity of development radiating outward from the downtown core to surrounding residential and neighborhood business districts. No area zoned C-B is adjacent to Greenwich, New Canaan or Darien. No inter-municipal impacts are anticipated as a result of adopting the proposed changes.

Follow-Up of Previous Referrals

Referral No. 09-36 – PoCD Update, Wilton

The public hearing on the proposed *Wilton Plan of Conservation and Development* is scheduled for October 5th, the same evening as the October 5, 2009 SWRPA Agency meeting. The following modifications to the August, 2009 Referrals Report are proposed as a result of the September 24, 2009 SWRMPO meeting discussion concerning the Route 7 corridor. In this case, “corridor” is defined as “a major transportation route.” Text to be added is underlined; text to be removed is stricken-through:

Staff Comments & Recommendation: SWRPA’s *Regional Plan of Conservation and Development, 2006-2015* established the following goals for the Region:

- Encourage municipal land-use planning that recognizes the need to direct development to those areas with the infrastructure, including transportation, to best accommodate it.
- Preserve the Region’s dwindling supply of permanent open space and, whenever possible, add to it through either outright acquisition of open space or through conservation easements.
- Improve and expand the Region’s public transportation system, including the New Haven Line Railroad, bus transit services and facilities that support transit use.
- Provide for the Region’s growing energy needs while protecting human health, natural resources and property values.
- Encourage the development of a broad range of housing alternatives, and whenever possible, direct new housing to locations that are served by transit.
- Encourage the preservation and adaptive reuse of historic structures.
- Foster continued cooperation among the Region’s first responders to develop coordinated plans to address emergencies that cannot be contained within a single municipality’s boundaries.
- Plan for an aging and increasingly diverse population.
- Protect the quality of life in all of the Region’s neighborhoods by ensuring that low-income areas or other communities of concern are not targeted for the location of undesirable land uses.
- Maintain the Region’s strong business climate by building on those assets that stimulated the Region’s business growth in the first place: viable transportation facilities, attractive communities, good schools and a well-educated and trained workforce.

The *Regional Plan* states: “The *Regional Plan of Conservation and Development, 2006-2015*, defers to the South Western Region Metropolitan Planning Organization’s (SWRMPO) *Long Range Transportation Plan, 2004-2030* – and its subsequent updates – for the establishment of the Region’s transportation priorities. The SWRMPO has been designated by the state and federal governments as the transportation policy board for the South Western Region.” ~~The *South Western Region Long Range Transportation Plan, 2007-2035* includes, as a recommended strategy: “Extend Route 7 Expressway from Gristmill Road, Norwalk to Danbury following the multimodal corridor study recommended as a near term strategy. The construction of the Route 7 Expressway is a future unfunded need.”~~ The Long Range Transportation Plan calls for a comprehensive multi-modal needs assessment and an investment study for the Route 7 corridor. Considering this, the *Wilton Plan of Conservation and Development* is not inconsistent with the *Regional Plan of Conservation and Development*, except for its position on the Super Route 7 expressway (see attachment).

¹ SWRPA comments are advisory in nature and are meant to augment the referring community's own analysis of the application and in no way serve as a substitute. Whereas SWRPA comments evaluate conformity with the Regional Plan of Conservation & Development and may include additional observations, final recommendations of 'recommends Approval' or 'does not recommend Approval' are based exclusively on SWRPA's determination of whether or not inter-municipal impacts are anticipated.