

## **MEMORANDUM**

TO: SWRPA Referrals Committee

FROM: Margaret Mixon, Special Projects Assistant Planner

DATE: April 22, 2010

RE: April 2010 Referrals Agenda

We are in receipt of ten (10) referrals this month, they include:

- #10-19: Zoning Text Amendment, Regulations for Home Based Businesses, Westport
- #10-20: Zoning Text Amendment, Gateway Development, Stamford
- #10-21: General Development Plan, Special Exception and Coastal Site Plan Review, Gateway Development, Stamford
- #10-22: Applications for Final Site and Architectural Plans and Coastal Site Plan Approval, Gateway Development, Stamford
- #10-23: Zoning Map Amendment, Gateway Development, Stamford
- #10-24: Zoning Text and Map Amendment, Flood Hazard Overlay Zone, Greenwich
- #10-25: Zoning Text Amendment, Restaurants and Liquor Establishments, Westport
- #10-26: Zoning Text and Map Amendment, Flood Hazard Overlay Zone, Greenwich
- #10-27: Coastal Site Plan Review and Flood Damage Prevention Application, Darien
- #10-28: Zoning Text Amendment, Regulations for Boat Sales, Westport

Please contact Floyd if you have any questions regarding the agenda. I will return to the office on Monday, April 26, 2010.

Thank you.

**Referral No. 10-19: Text Amendment #611 Modifying Regulations for Home Based Businesses, Westport**

**Referrer:** Michelle Perillie, Planning Assistant, Westport

**Applicant:** Westport Planning and Zoning Commission

**Received:** April 5, 2010

**Hearing:** May 6, 2010

**Contact:** Michelle Perillie, Planning Assistant, Westport

**Authority:** 8-3b

**Proposal:** The Town of Westport's Planning and Zoning Commission proposes to amend the zoning regulations to eliminate the 1,500 foot separating distance with regard to liquor establishments and patron bars, modify the definition of fast food restaurants, and decrease current parking requirements for restaurants.

**Description:** Westport recognizes the growth of home based businesses within the Town and proposes to categorize these businesses into several tiers and apply a regulatory structure to those tiers that reflects their potential impact on residential neighborhoods, including:

- Home office, no non-resident employee allowed;
- Home Occupation, Level 1, one non-resident employee allowed, zoning permit required; and
- Home Occupation, Level 2, two or more non-resident employees allowed, Special Permit/Site Plan approval required.

The Town also proposes to expand where home businesses can be located including accessory buildings and principal buildings and historic structures.

**Staff Comments:** The nature of the impacts, if any, would appear to be insignificant given the small scale of the home based businesses. For the Level 2 Home Occupations where two or more non-resident employees are allowed, there could be traffic impacts that affect Darien, New Canaan and Norwalk. Staff recommends that Westport notify these towns of the proposed change since there are Westport neighborhoods bordering these communities.

**Referral No. 10-20: Text Amendment, Transportation Center Design District-Gateway Development, Stamford**

**Referrer:** Norman Cole, Planner, Stamford

**Applicant:** Richard W. Redniss

**Received:** April 6, 2010

**Hearing:** May 24, 2010

**Contact:** Norman Cole, Planner, Stamford

**Authority:** 8-3b

**Proposal:** Application 210-14 proposes a text change to the Transportation Center Design District (TCDD), also known as the Gateway Development project, by amending the boundary

area eligible for TCDD designation; amending the existing Floor Area Ratio standards and by adding new bonus site design criteria for open space.

**Description:** The applicant proposes to change the existing TCDD boundary to extend from the Mill River easterly to Pulaski Street (not Henry Street) to Washington Boulevard, northerly to Federal Street, westerly to Guernsey Street, thence westerly in a line parallel with Tresser Boulevard to Washington Boulevard, southerly to Richmond Hill, westerly to the Mill River (see Figure X).

**Staff Comments:** The change in boundary for the Gateway site is not expected to generate intermunicipal impacts. The same is true for the FAR, signage and bonus design incentives. Staff recommends that Stamford notify Greenwich and Norwalk of the amendment to keep the communities informed of zoning changes.

**Referral No. 10-21: General Development Plan, Special Exception and Coastal Site Plan Review-Gateway Development, Stamford**

**Referrer:** Norman Cole, Planner, Stamford

**Applicant:** Richard W. Redniss

**Received:** April 6, 2010

**Hearing:** May 24, 2010

**Contact:** Norman Cole, Planner, Stamford

**Authority:** 8-3b

**Proposal:** Application 210-15 presents the site plans and associated Special Exception and Coastal Site Plan reviews for the Gateway project.

**Description:** The Gateway Development project is a 5.4-acre property proposed for a mixed-use transit-oriented development comprised of the following pieces:

- 2 10-story office towers totaling 475,000 square feet;
- 200 units of housing (including 24 units of Below Market Rate onsite) within the towers;
- 4,500 SF of ground floor commuter amenity spaces including a café;
- a riverfront park with foot path; and
- a below-grade parking garage for 1,899 cars, 500 of which will be for commuter parking.

Construction is scheduled to commence this spring upon the City's final approval of all planning, zoning and development plans.

**Staff Comments:** The Gateway project will draw commuters and employment from areas within the South Western Region and beyond. Due to the significant scale of the project, commercial and other higher density uses, and the potential transportation impacts to the region such as congestion and operational issues, staff recommends that Stamford notify Greenwich, Darien and New Canaan of the proposed application #210-15.

**Referral No. 10-22: Applications for Final Site and Architectural Plans and Coastal Site Plan Approval-Gateway Development, Stamford**

**Referrer:** Norman Cole, Planner, Stamford

**Applicant:** Richard W. Redniss

**Received:** April 6, 2010

**Hearing:** May 24, 2010

**Contact:** Norman Cole, Planner, Stamford

**Authority:** 8-3b

**Proposal:** This referral is comprised of an application for Final Site and Architectural Plans and Coastal Site Plan Approval for the Gateway Development site. These applications coincide with the above referrals #10-20 and #10-21.

**Description:** These applications contain detailed architectural plans, property description, property owners list, zoning data chart, Site Engineering Report, and lighting and signage plans.

**Staff Comments:** The applications contained in this referral are the final applications with most of the required information and documentation for a large-scale transit oriented development project. It should be noted that the Traffic Report is forthcoming and was not included in this packet. Staff recommendations remain the same as the above two related referrals. Additionally, staff reserves the right to provide further comment upon receipt of the traffic report.

Finally, we advise Stamford to notify Greenwich, Darien and New Canaan of the Final Site and Architectural Plans and Coastal Site Plan Approval so that these communities can assess the potential for transportation impacts.

**Referral No. 10-23: Application 210-13-Zoning Map Change, Gateway Development, Stamford**

**Referrer:** Norman Cole, Planner, Stamford

**Applicant:** Richard W. Redniss

**Received:** April 6, 2010

**Hearing:** May 24, 2010

**Contact:** Norman Cole, Planner, Stamford

**Authority:** 8-3b

**Proposal:** This referral proposes to rezone approximately 7.3 acres of land currently zoned RMF, C-G and M-G to Transportation Center Design District (TCDD). (See Redniss map below).

**Description:** These applications contain a detailed property description, property owners list, zoning data chart, Site Engineering Report, and lighting and signage plans.

**Staff Comments:** This application is associated with the three referrals above, and is requesting a zoning map change to coincide with the development plans and coastal site plan approvals discussed above.

Staff recommends that Stamford notify Greenwich, Darien and New Canaan of the proposed zoning map change, given the large-scale and relatively high-density nature of this development.

**Referral No. 10-24: Zoning Text and Map Amendment, Flood Hazard Overlay Zone, Greenwich**

**Referrer:** Marek Kozikowski, Planner I, Greenwich

**Applicant:** Greenwich Planning and Zoning-Land Use Department

**Received:** April 13, 2010

**Hearing:** May 18, 2010

**Contact:** Marek Kozikowshi, Planner I, Greenwich

**Authority:** 8-3b

**Proposal:** Greenwich proposes to add a Flood Hazard Overlay Zone to its zoning map and updated text to the zoning regulations.

**Description:** Greenwich proposes to update its floodplain regulations in accordance with the most recent state DEP and FEMA requirements. The new regulations must be in place in order for the Town to be eligible to participate in the National Flood Insurance Program.

**Staff Comments:** This is the first of two applications, the second being #10-26 below which includes all changes in this application plus changes to the text regarding manufactured homes and violations with respect to the Flood Hazard Overlay Zone. ***See Referral No. 10-26 for further comment.***

No intermunicipal impacts are anticipated by this amendment.

**Referral No. 10-25: Amendment #613 Modifying Restaurants and Liquor Establishments, Westport**

**Referrer:** Michelle Perillie, Planning Assistant, Westport

**Applicant:** Westport Planning and Zoning Commission

**Received:** April 14, 2010

**Hearing:** May 20, 2010

**Contact:** Michelle Perillie, Planning Assistant, Westport

**Authority:** 8-3b

**Proposal:** The Town of Westport's Planning and Zoning Commission proposes to amend the zoning regulations to eliminate the 1,500-foot separating distance with regard to liquor establishments and patron bars, modify the definition of fast food restaurants, and decrease current parking requirements for restaurants.

**Description:** Westport wants to encourage more restaurants and evening activities by removing specific requirements that limit the viability of restaurants and evening activities within

the downtown area. The town proposes to add retail Food Establishments to the list of uses permitted in the RORD, GBD, GBD/S, HSD, BPD, BCD, BCD/H, and HDD zones. The GBD and BPD zones are found within the 500-foot statutory buffer with Fairfield and Norwalk on US Route 1. The amendment will also allow fast food restaurants as permitted uses within these zones and would delete the requirement for a Special Permit for fast food restaurants within the GBD zone.

Within the BPD zone, the Town proposes to add indoor and outdoor recreational uses and entertainment uses to the list of Special Permit uses. The amendment also would delete fast food restaurants, indoor theaters and assembly halls, other indoor and outdoor recreational facilities and restaurants from the list of prohibited uses (See Figure 2. below). Additionally, the Town proposes to modify the definition of Restaurant and Fast Food Restaurant so that a fast food restaurant maybe allowed to serve alcohol.

Finally, Section 34-5 Offstreet Parking and Loading with respect to restaurants and evening activities would be modified to reduce required parking for patron area by 30% (from 1 space per 35 SF of patron area to 1 space per 50 SF of patron area).

**Staff Comments:** The application contains proposed changes that could generate intermunicipal impacts. First, the point that alcohol be served at fast food restaurants could have the effect of increased public safety and nuisance issues for the local neighborhoods and the region. Specifically, the GBD and BPD zones along US 1 that border Fairfield to the east and Norwalk to the west could be affected. Staff recommends that Westport notify these communities of the proposed change for their input.

Second, the Town's proposes to decrease the required parking area for restaurants and evening activities by 30% from current requirements. Westport proposes to eliminate the need for restaurants to obtain site plan approval provided they could satisfy the parking requirements of Section 34, which are less restrictive. Should the Town's proposed regulations fail to provide for adequate parking for any type of commercial establishment, neighboring communities could be negatively effected. Staff recommends that Westport notify Fairfield and Norwalk of the proposed changes.

Finally, Westport proposes to eliminate the entire Section 31-9 Liquor Establishments due to its restrictive nature and lack of clarity. The new Section 31-9 would contain the following provisions:

1. Selling of alcoholic liquor would only be permitted in Non-Residence Zones, except for charitable events that obtain a temporary liquor permit approved by the Planning and Zoning Director and issued by the CT Liquor Commission.
2. The sale of alcoholic liquor in Residence Districts (except for charitable special events) shall only be permitted at such locations in existence with a valid liquor permit from the CT Liquor Commission as of the effective date of these regulations.
3. The establishment of a new location for the sale of alcoholic liquor for on-premises consumption shall be subject to Special Permit approval by the P&Z Commission.
4. Any permit renewal, change in the permittee or change in the type of license for the sale of alcoholic liquor for on-premises consumption shall be subject to Special Permit by the P&Z Commission. However, the P&Z Director may waive this requirement with the endorsement of the Chief of Police upon said permit application to the CT Liquor Commission.

Although the new Section appears intuitive and is not expected to generate intermunicipal impacts, staff recommends that Westport notify the Towns of Fairfield, Weston, Wilton and City of Norwalk of the proposed changes since there are residential districts bordering Westport in each town that should be aware of the new regulations.

**Referral No. 10-26: Zoning Map and Text Amendments, Flood Hazard Overlay Zone, Greenwich**

**Referrer:** Marek Kozikowski, Planner I, Greenwich

**Applicant:** Greenwich Planning and Zoning-Land Use Department

**Received:** April 20, 2010

**Hearing:** May 18, 2010

**Contact:** Marek Kozikowshi, Planner I, Greenwich

**Authority:** 8-3b

**Proposal:** Greenwich proposes to update its floodplain regulations in accordance with the most recent state DEP and FEMA requirements. The new regulations must be in place in order for the Town to be eligible to participate in the National Flood Insurance Program.

**Description:** This is the second of two applications, the first is #10-24 above. This application includes all changes in #10-24 in addition to new definitions for Existing Manufactured, Home Park of Subdivision; Expansion to an Existing Manufactured Home Park or Subdivision; New Manufactured Home Park or Subdivision, and Violations.

**Staff Comments:** No intermunicipal impacts are anticipated by this amendment. Staff recommends that the neighboring City of Stamford be provided a copy of the amended zoning map and text regulations for the purpose of sharing information.

**Referral No. 10-27: Coastal Site Plan Review and Flood Damage Prevention Application, Darien**

**Referrer:** Jeremy Ginsberg, Director of Planning and Zoning, Darien

**Applicant:** Kaali Nagy Partners, Inc. on behalf of Abigail Knott (property owner),  
70 Five Mile River Road

**Received:** April 21, 2010

**Hearing:** May 25, 2010

**Contact:** Jeremy Ginsberg, Director of Planning and Zoning, Darien

**Authority:** 8-3b

**Proposal:** The applicant proposes to obtain a variance to construct a dock on a single-family property located on the Five Mile River within the R-1/2 zone.

**Description:** Coastal Site Plan Review #237-A and Flood Damage Prevention Application #263-A propose to install an accessway, dock, ramp and float, and perform site related activities within regulated areas (see Figure 1. below). The subject property is located on the north side

of the Five Mile River, approximately 150 feet east of its intersection with Berry Lane, and is shown on Assessor's Map #66 as Lot 39.

The lot width of the property is ten feet, and the addition of a dock would not adhere to the required side yard setbacks for R-1/2 zoning. The applicant's site plan shows the dock being constructed in the center of the ten-foot area. The dock is to be used for recreational use for a small boat or kayaks.

The referral included an approval of registration from the State DEP dated March 6, 2007 to install a dock per the following scope:

- a 4' x 10' fixed pier of which an approximately 4' wide triangular section is located waterward of the high tide line;
- a 3' x 32' ramp; and
- a 8' x 12' float with float stops secured with float stabilizer cables.

The DEP approval is set to expire on June 18, 2010.

**Staff Comments:** The subject property is within the 500-foot buffer with the City of Norwalk. Staff recommends that Darien notify the City of Norwalk of the proposed dock. The intermunicipal impacts generated by this application, if any, are expected to be minimal based on the size and use of the structure.

**Referral No. 10-28: Zoning Text Amendment, Regulations for Boat Sales, Westport**

**Referrer:** Michelle Perillie, Planning Assistant, Westport

**Applicant:** Scott Hardy, Owner of The Boatlocker

**Received:** April 14, 2010

**Hearing:** May 20, 2010

**Contact:** Michelle Perillie, Planning Assistant, Westport

**Authority:** 8-3b

**Proposal:** The proposal is for a text amendment to modify Section 24 General Business District (GBD) to allow Retail Boat Sales and to add a new section, #32.20 Retail Boat Sales Including Accessory Boat Repairs and Storage.

**Description:** The Applicant owns the Boatlocker, a local business that sells and services boats and boating equipment. It has been the subject of zoning enforcement due the nature of the business is not a permitted use within the GBD zone. The proposed section would allow retail boat sales including accessory boat repairs and storage in conformance with Section 32-20 as a Special Permit Use within the GBD district.

The purpose of the new regulation would be to encourage the sale, servicing and storage of pleasure and recreational boats. Such activities would be limited to the GBD zones along the Post Road and Riverside Avenue only. The activities would be subject to Special Permit and Site Plan approval in addition to several special conditions including that the proposal not adversely affect public safety. Boats to be sold, stored or repaired are limited to 26 feet in

length with a maximum mast height of 28 feet. Outdoor parking of boats shall be limited to 30% of the property.

Note: Referral No. 9-67 references a similar application where the applicant Cohen and Wolf proposed the same change to the GBD district on the Post Road and Riverside Avenue. The Agency recommendations for that report are reflected in the staff comments below.

**Staff Comments:** The application proposes to address the GBD districts along the Post Road and Riverside Avenue only. It appears that the business has been in existence for several years, so additional intermunicipal impacts resulting from the text change would be expected to be minimal. However, since Riverside Avenue is within the 500-foot statutory buffer with Norwalk, staff recommends that Westport notify Norwalk of the proposed change.