

8-3a Referral – Petition of B & L Holdings LLC, 2 Glen Hill Rd, 33, 35, 37 & 39 Tamarack Ave. a/k/a Rd. (#110045, #110044, #110046, #110047 & #110048) for Change of Zone from RA-20 & RMF-6 to RH-3. Zoning Commission public hearing scheduled for February 24, 2009.

Mrs. Calitro said this is a revised request to rezone these properties. Last October, the applicant petitioned to rezone these properties from RMF-6 and RA-20 to CG-20. That request received a negative recommendation from the Planning Commission and some residents from Apple Blossom condos spoke against the proposed commercial zone. After some discussion, the Commission suggested that the applicant consider the RH-3 zone since it would alleviate their fears of commercial intrusion. She said the previous petition did not comply with the Plan of Conservation & Development, but this one does. Also the RH-3 zone allows medical offices which would eliminate the non-conforming uses and allow the parking to be expanded onto an adjacent lot. She said this appears to solve all of the outstanding problems. Mr. Keller made a motion for a positive recommendation for the following reasons: this complies with the Plan of Conservation & Development. RH-3 does not allow for the wide range of commercial uses that CG-20 does and it permits medical offices which would eliminate the non-conformity. And RH-3 is consistent with the existing residential zoning on three sides. Mr. Cerminara seconded the motion. Mr. Urice then said he disagrees that RH-3 zone is compatible with the surrounding area. He added that this is simply a veiled attempt to get the previous application through and he does not see any reason why they should change their position on this. Mr. Keller asked him for clarification on his position. Mr. Urice said this does not meet the purpose and intent of the zone and it allows grocery stores as a special exception use which really concerns him. There is a school located directly across the street from this and this is a residential area. Mrs. Calitro explained that this site is not that far from the urban core and the commercial uses are limited compared to the previous petition. Mr. Urice said he does not think this complies with the Plan and this is just an attempt to do what they tried to do with the previous petition. Mrs. Calitro then reviewed the list of special exception uses, most of which are complementary to the hospital. She read the additional criteria required for a grocery store which included a size restriction, a restriction that it is on a corner lot which is located on an arterial or collector road. Mr. Urice said it just does not hold water. Chairman Finaldi called for a vote and the motion for a positive recommendation was passed with three AYES (from Mr. Keller, Ms. Hoffstaetter and Mr. Cerminara) and two NAYS (from Mr. Urice and Chairman Finaldi).

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8-3a Referral – Petition of Intertech Assoc., c/o Danbury Orthopedic Assoc., Inc. to Amend Sec. 5.D.4.c.(1) of the Zoning Regulations (To permit expansion of existing medical offices, not to exceed 3,000 sq.ft., on lots of one acre or larger in the CL-10 Zone) Zoning Commission public hearing scheduled for February 24, 2009.

Mrs. Calitro said this should be familiar to the Commission as the applicant had applied for change of zone in the latter part of last year. That petition was withdrawn once the staff report was prepared. She said under the existing CL-10 regulations, medical offices are permitted provided “the maximum gross floor area of any medical office shall not exceed 3,000 square feet per lot.” This petition, made on behalf of Danbury Orthopedic Associates, seeks to amend this restriction, although if enacted it will pertain to all lots in the City of one acre or more zoned CL-10 containing an existing medical office. The Plan of Conservation & Development recommends that we “only allow uses in the CL-10 Zoning District that are relatively low traffic generators and, where advisable, rezone CL-10 areas to commercial zoning districts more appropriate to their existing uses.” The Regulations state that the purpose of CL-10 is to provide limited commercial development in areas where more intensive development would create

OTHER MATTERS FOR POSSIBLE ACTION:

Memo from Deputy Planning Director Sharon Calitro regarding Delineation of Aquifer Protection Area Boundary.

Mrs. Calitro explained that there has been a recent change to the State Statutes which requires the City to delineate the aquifer protection area boundary on the local zoning map and then adopt regulations pertaining to activities within this designated area. In accordance with the City Ordinances, the Planning Commission is designated as the Aquifer Protection Agency for the City. Until this time, there has been no additional review or permitting responsibility associated with this aquifer protection other than to ensure that floodplain activities are minimized or mitigated and public water supply watersheds are protected in accordance with the Zoning Regulations. The Public Utilities Dept. has been working with DEP on the required mapping and the only area that requires the boundary delineation is the Lake Kenosia Well Field. DEP approved this in November 2008, and the City now has until April 2009 to add this information to the Zoning Map and until June 2009 to adopt regulations for it. Mrs. Calitro said tonight she is asking the Commission to approve this delineation on the official City of Danbury Zoning Map. This step does not require a public hearing; it is just a review and approval of the delineation on the Zoning Map. This approval will be noticed in the newspaper and the map will then be forwarded to DEP. She said that the Dept. is currently drafting Aquifer Protection Area regulations based on the model provided by the DEP. They will be presented at a public hearing and the Commission will need to approve them. Mr. Urice made a motion to approve this delineation. Mr. Keller seconded the motion and it was passed unanimously.

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There was nothing under Correspondence and there were three applications for floodplain permits under For Reference Only. Mrs. Emminger then explained that there is a subdivision application also listed there that originally was thought to be a re-subdivision. Since it has now been determined that this is not a re-subdivision, there is no requirement to hold a public hearing. The Subdivision Regulations only require public hearings for re-subdivisions or proposed subdivisions of five lots or more. She added that it is up to the Commission as to whether or not they want to hold a public hearing on it. Mr. Keller said they have set a precedent in the past by holding public hearings for other similar subdivisions. Mr. Urice made a motion to hold a public hearing for this application. Mr. Keller seconded the motion and it was passed unanimously. Mrs. Emminger said it would be scheduled for the March 18th meeting.

At 9:15 PM, with no further business to discuss, Mr. Keller made a motion to adjourn. Mr. Cerminara seconded the motion and it was passed unanimously.