

Attorney Fran Collins spoke in favor of this petition. He said this use is consistent with the Plan of Conservation & Development because there is no specific reference to this type of use. He said actually the only zone that lists this as a permitted use is the LCI-40 zone. He added that this meets the criteria as spelled out in Sec. 10. of the Zoning Regulations.

Chairman Knapp asked if there was anyone to speak in opposition and one person came forward.

Lynn Waller, 83 Highland Ave., said she is concerned about the possibility of increased truck traffic this might cause. Also she said she has parked her RV at one of these establishments and it is standard practice for people to use these places to park RV's and boats.

There was no other opposition.

Mr. Elpern then said he disagreed with Attorney Collins interpretation of the POCD. Attorney Collins spoke in rebuttal. He said this is not a change of zone, it is a text amendment. He said they looked at this to determine how to make the parcel viable. He said they ruled out a change of zone because of spot zoning issues. They thought about applying for a variance but they have no hardship. This seemed like the only viable use for this property since this is 3½ acres, the 20,000 sq.ft. building size restriction would prevent the property from being used. He reiterated that this is not inconsistent with the POCD.

Mr. Melillo made motion to close the public hearing. Mr. Johnston seconded the motion and it was passed unanimously.

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PUBLIC HEARINGS:

7:30 PM – Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 3.D.3., 3.E.4., 5.A, 5.B., 5.C., 5.D, 5.E., 5.F. & 5.H. of the Zoning Regulations. (Revise Definitions, Use Regulations for Permitted and Special Exceptions Uses, and Commercial Zoning Districts)

Ms. Hoffstaetter read the legal notice. Mr. Farah read the Planning Commission recommendation, which was positive.

Dennis Elpern spoke in favor of this. He read a letter into the record from the Ridgefield Planning Director saying the town of Ridgefield has no problem with these amendments. He said this petition was sent to HVCEO and the following towns: Bethel, Brookfield, New Fairfield and Ridgefield. No other towns responded. He said the purpose of these amendments is to update the regulations affecting the commercial zoning districts to ensure that each district fulfills a distinctive role in guiding commercial development in appropriate parts of the City by (1) limiting uses to those that are consistent with the particular purposes of each district, (2) protecting adjacent properties from land use conflicts, (3) limiting traffic congestion, (4) protecting environmentally sensitive areas, and (5) improving site design and aesthetics. He said four definitions were added for clarity. The existing regulations for gas station and repair garages are shifted to be a special exception use. The outdoor storage and sale of construction equipment has been expanded to include the storage of building materials with some

restrictions. He said he revised the purpose statements and made revisions to uses with some previously permitted uses being changed to special exception uses. There were some new uses added and setback provisions are coordinated in the zones located along major roadways. The CN and CL zones are lumped together now. There were significant reductions in LCI-40 mainly to control the traffic along Rt. 7 and to recognize the environmental limitations since the Public Water Supply Watershed is located along this roadway. He said we had changed the maximum height in the C-CBD to accommodate Kennedy Place, but restricted it to 55 ft. along the Main St. Historic District. He said he also proposed a step back provision to allow the landowner to get the height without becoming intrusive. He said many big cities use this in their downtowns. He said he also increased the landscaping requirements along front of properties and when it abuts a residential zone, there is buffer required. He said we will now prohibit off street parking, storage or display in the front yard setback, citing Newtown Rd. as an example of what we want to stop from happening. He said it may appear that we are eliminating uses, but they are making some permitted uses into special exception uses. This doesn't affect existing uses, they become non-conforming. He offered the Commission the choice of his going through each page line by line or letting them ask questions and discussing it. The Commission decided to ask questions and discuss it. Chairman Knapp asked some questions about the step back provision. Mr. Elpern used a chart saying for 105 ft., 55 ft. is the first level, then there has to be a step back for all sides that have street frontage. This also allows for more light and air to get into Main St. He said this concept originated in NYC. Mr. Haddad said this will create non-conforming uses in the zones. Mrs. Buzaid asked what happens if an existing non-conforming use wants to add space. Mr. Elpern said it has always been in the Regulations that you cannot expand a non-conforming use. He added that much of the commercial property in the City is built to the max. And if they don't change the regulations, there will not be much redevelopment in the downtown. He said we all know that land is getting very tight, so he almost was defensive in writing these amendments. Mr. Melillo asked if in the CA-80 zone, would there be a minimum area requirement for the grocery stores without the sale of alcoholic beverages. Mr. Elpern said no and there should not be one. He continued saying the changes to LCI-40 were necessary because we need to limit development along the Rt. 7 corridor. We do not want it to become a Newtown Rd. and once the work is done and the new roadway is open, development is going to take off there. Some of the uses that were eliminated were totally unsuitable for this area. Chairman Knapp asked why self storage is spelled out in the LCI-40 zone. Mr. Elpern said it was added by someone who wanted to do that there. He then told the history of how the CA-80 zone was created, saying one side of Mill Plain was zoned IL and the other side was zoned CG. So about the time the Mall was being approved, they created the CA-80 zone but it prohibited any new retail businesses. In 1995, some of the larger property owners petitioned this Commission to allow retail in the CA-80 zone and it was approved. He said self storage will be added to CA-80 as a special exception use and also to the industrial zones. He said since everyone always claims there is an abundance of IL-40 land that is where it belongs. He said uses in the LCI-40 that demand sewer and water have been eliminated. Mr. Farah asked why the Main Street Historic District is shaped in such an odd manner. Mr. Elpern said the Danbury Preservation Trust did that before he came here to work. Mr. Farah asked if it could be changed. Mr. Elpern said there is no reason to change it and it would require expertise that we do not have available to us. He said last night the Common Council enacted an ordinance to create a Design Review Board for the City, which will really improve the image of the City.

Lynn Waller, 83 Highland Ave., thanked Mr. Elpern for sitting down and reviewing this petition with her today and also for trying to make Danbury better. She asked if this would affect the dorms at WCSU. Mr. Elpern said colleges and universities are desirable uses for commercial zones. She asked why crematoriums were left in. Mr. Elpern said State law requires them to be allowed where cemeteries are allowed.

Chairman Knapp asked if there was anyone to speak in opposition to this and there was no one.

Mr. Melillo motion to close public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Mr. Melillo motion to move to item two. Mr. Johnston seconded the motion and it was passed unanimously.

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7:40 PM – Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Sec. 8.C.4. of the Zoning Regulations. (Revise Off-Street Parking Table)

Ms. Hoffstaetter read the legal notice. Mr. Farah read the Planning Commission recommendation, which was positive.

Mr. Elpern said the purpose of these amendments is to update parking requirements for places of assembly and restaurants to meet changing needs. He said Mrs. Calitro would speak first since she put a lot of work into her portion. Mrs. Calitro said the parking calculation for places of public assembly is always difficult because it was previously calculated by occupancy as determined by the Fire Marshal. The problem with that method was that the Fire Marshal doesn't make that determination until the building is built. So we looked at the State Building Code and based the calculation on that. Applicants still can choose to have us look at it with the Fire Marshal. They now have the choice, but most don't want to wait until the site plan is approved to find out occupancy. She said places of assembly with fixed seats is the easy one, we just added the language about employees. She said she compared these calculations to other municipalities and they are fair. Mr. Elpern then said this is an issue because parking will become more of a problem as land becomes scarce. He said they also looked at the calculation for restaurants and decided to update that. Chairman Knapp said using the ice rink as an example; these changes could have a dramatic impact. Mrs. Calitro said not necessarily so as in the downtown area, there are some special provisions that do not apply elsewhere in the City. Mr. Elpern said parking in the downtown is handled different than highway parking or off-street parking. There were no questions from the Commission.

Chairman Knapp asked if there was anyone to speak in opposition to this and there was no one.

Ms. Hoffstaetter made a motion to close the public hearing. Mr. Melillo seconded the motion and it was passed unanimously. Ms. Hoffstaetter then made a motion to move this to Old Business. Mr. Melillo seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Chairman Knapp announced that the applicant's Attorney has requested that we table the following matter this evening:

Petition of Cioffoletti Construction Co., Inc. 18 Plumtrees Rd. (#L13122) for Change of Zone from IG-80 to RMF-10. Public hearing closed 6/12/07 – 65 day period to make decision ends 8/16/07.

Chairman Knapp reiterated that since the Planning Commission recommendation was negative, this needs a 2/3 majority vote for approval. He added that Mr. Jowdy and Mr. Kennedy still need to listen to tapes of the May 8th meeting and Mr. DiCaprio, Mr. Kennedy and Ms. Hickey need to listen to the tapes of the June 12th meeting. Mr. Melillo made a motion to table this until the next meeting. Mr. Farah seconded the motion and it was passed unanimously

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Chairman Knapp said they had heard this earlier in tonight's meeting. He asked for a motion and discussion. Mr. Melillo made a motion to approve this petition for the following reasons:

- These amendments will ensure that the uses in these zones actually meet the purpose and intent of the zoning district.

Mr. Johnston seconded the motion and it was passed unanimously.

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Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Sec. 8.C.4. of the Zoning Regulations. (Revise Off-Street Parking Table)

Chairman Knapp said they had heard this earlier in tonight's meeting. He asked for a motion and discussion. Ms. Hoffstaetter made a motion to approve this petition for the following reasons:

- The method we use to calculate occupancy limits as well as the number of employees for Restaurants both needed to be updated.

Mr. Farah seconded the motion and it was passed unanimously.

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NEW BUSINESS:

- 1) Petition of Nancy & David Lahoud as Agents, 116, 118 & 122 Coalpit Hill Rd. (#K17014, #K17013/1 & 2, & #K17012) for Change of Zone from IL-40 to RMF-10. Public hearing scheduled for July 24, 2007.

Chairman Knapp said this petition will be on file in the Planning Office at City Hall.

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Chairman Knapp said there was nothing under Other Matters, Correspondence or For Reference Only.

At 10:00 PM, Mr. Farah made a motion to adjourn. Ms. Hoffstaetter seconded the motion and it was passed unanimously.