

**CITY OF NORWALK
ZONING COMMISSION
June 1, 2016**

PRESENT: Adam Blank, Chair; Nate Sumpter; Linda Kruk; Emily Wilson; Jill Jacobson; Rod Johnson; Doug Stern; Michael O'Reilly; Michael Witherspoon (arrived after roll call)

STAFF: Mike Wrinn; Dori Wilson

OTHERS: Atty. Eric Bernheim;

I. CALL TO ORDER

Mr. Blank called the meeting to order at 7 p.m.

II. ROLL CALL

Mr. Wrinn called the roll.

III. REVIEW, REPORT AND RECOMMENDED ACTION:

a. **#4-15M – Norwalk Land Development, LLC (The SoNo Collection) – 1 Putnam Av/63 West Av – Proposed map change from Reed Putnam Design District (RPDD) Subarea A in part and RPDD Subarea B in part to entirely RPDD Subarea A (2 lots) - Report & recommended action**

**** EMILY WILSON MOVED: BE IT RESOLVED** that the proposed change to the Building Zone Map as shown on a certain document entitled “**#4-15M – Norwalk Land Development, LLC (The SoNo Collection) – 1 Putnam Av/63 West Ave – Proposed map change from Reed Putnam Design District (RPDD) Subarea A in part and RPDD Subarea B in part to entirely RPDD Subarea A (2 lots)**” and dated December 17, 2015, affecting property in the Second Taxing District, Block 21, Lot 8 and Block 18, Lot 3 along with portions of the current or former public ROW of West Avenue, Crescent Street, Putnam Avenue, Pine Street Extension and North Water Street ROW, be **APPROVED**.

BE IT FURTHER RESOLVED that the reason for this action is:

- 1) To implement the Plan of Conservation and Development to “Strengthen the revitalization of the West Avenue, Wall Street, and Reed Putnam areas by encouraging mixed-use development (i.e. offices, stores, services, restaurants and theaters together with housing, parks and cultural facilities). (p. 12, A.3.1.2); and
- 2) To implement the Plan of Conservation and Development to "Encourage retail/cultural development within the Reed-Putnam Design District and at the South Norwalk Intermodal Pulse Point to create a critical mass of activity with the Maritime Aquarium and the Washington Street Historic District" (D.7.1.2, p.33); and

3) To implement the Plan of Conservation and Development to "Modify plans for Reed-Putnam Parcels 1, 2, and 4 as amended" (A.6.1.1, p. 13); and

BE IT FURTHER RESOLVED that the effective date of this action be June 10, 2016.

Mr. Sumpter seconded.

Adam Blank; Emily Wilson; Rod Johnson, Linda Kruk, Nate Sumpter; Jill Jacobson, Michael Witherspoon and Michael O'Reilly voted in favor.

No one opposed.

No one abstained.

b. #18-15R – Norwalk Land Development, LLC (The SoNo Collection) – Proposed amendments to Section 118-502 Reed-Putnam Design District to permit large scale mixed use retail shopping center developments in Subarea A and related technical amendments - Report & recommended action

**** EMILY WILSON MOVED: BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled "**#18-15R – Norwalk Land Development, LLC – Proposed amendments to Section 118-502 Reed-Putnam Design District to permit large scale mixed use retail shopping center developments in Subarea A and related technical amendments**" and dated Revised to April 7, 2016, be **APPROVED**.

BE IT FURTHER RESOLVED that the reasons for this action are:

1) To implement the Plan of Conservation and Development policy to "Strengthen the revitalization of the West Avenue, Wall Street, and Reed Putnam areas by encouraging mixed-use development (i.e. offices, stores, services, restaurants and theaters together with housing, parks and cultural facilities). (p. 12, A.3.1.2); and

2) To implement the Plan of Conservation and Development policy to "To encourage retail activity in the West Avenue/Wall Street and Reed Putnam areas and place emphasis on pedestrian-oriented environment (p. 12 A.4.1.1); and

3) To implement the Plan of Conservation and Development to "Modify plans for Reed-Putnam Parcels 1, 2, and 4 as amended" (A.6.1.1, p. 13); and

4) To implement the Plan of Conservation and Development to "Encourage retail/cultural development within the Reed-Putnam Design District and at the South Norwalk Intermodal Pulse Point to create a critical mass of activity with the Maritime Aquarium and the Washington Street Historic District" (D.7.1.2, p.33); and

5) To implement the Plan of Conservation and Development to "Support economic growth in the city with appropriate parking strategies" (E5.1.5, p. 39); and

BE IT FURTHER RESOLVED that the effective date of this action be June 10, 2016.

Mr. Sumpter seconded.

Adam Blank; Emily Wilson; Rod Johnson, Linda Kruk, Nate Sumpter; Jill Jacobson, Michael Witherspoon and Michael O'Reilly voted in favor.

**No one opposed.
No one abstained.**

c. #21-15SP/#26-15CAM – Norwalk Land Development, LLC (The SoNo Collection) – 1 Putnam Avenue/North Water St/Crescent St – North Parcel: 8 story, ±762,000 square foot mixed use retail shopping center development with ±506,705 sf retail, ±31,350 sf restaurant/cafe and public improvements with 2,484 parking spaces in a shared garage - Report & recommended action

**** EMILY WILSON MOVED: BE IT RESOLVED** that special permit application **#21-15SP** and coastal site plan application **#26-15CAM** – Norwalk Land Development, LLC (The SoNo Collection) – 1 Putnam Avenue/North Water St/Crescent St – **North Parcel**: 8 story, ±759,800 square foot mixed use retail shopping center development with ±506,705 sf retail, ±31,350 sf restaurant/cafe and public improvements with 2,464 parking spaces in a shared garage as shown on a set of plans entitled " THE SoNo Collection A GGP Retail Development Project: Final Site Plan Submission" by RTKL Architecture, Langan Engineering and Mahan Rykiel et al, dated December 12, 2015 as revised to April 15, 2016, be **APPROVED**, subject to the following conditions:

1. That the recommendations contained in The SoNo Collection Traffic Impact Study Peer Review report prepared by WSP Parsons Brinkerhoff and dated April 15, 2016, with the exception of the sidewalk on Reed Street and the raised median at main driveway, and including the applicant's revised truck delivery route plan to circulate truck deliveries counter clockwise; entering on North Water Street and exiting to the north along Crescent Street and Butler Street as shown on a document entitled "Proposed Delivery Truck Route" be incorporated into this approval; and
2. That if the City implements "two-way" traffic on Crescent Street north of this site, that the applicant agrees to provide an easement in favor of the City in order to permit the North Service Drive to function as a two way public street for "non-commercial public use"; and
3. That a copy of the permit issued by the Office of the State Traffic Administration (OSTA) be submitted prior to the issuance of a zoning permit and that any modifications to the approved plan, including changes requested by the OSTA, be submitted for review by the Zoning Commission; and
4. That all traffic improvements, including improvements required by the OSTA and the Department of Public Works, be complete prior to the issuance of a certificate of zoning compliance (CZC); and
5. That within six months after eighty percent (80%) of the retail space is occupied, or sooner if requested by the Commission, a follow-up traffic study be conducted and submitted to the Commission for review and approval; and
6. That within six months after the hotel opens, that the follow-up traffic study be updated and submitted to the Commission for review and approval; and
7. That the southern parcel and the northern parcel are sharing development rights

to permit an increase in FAR for the southern parcel and other shared rights including access to parking, utilities and drainage facilities between the two sites and such sharing is integral to this approval. Any attempt to alter the sharing of development rights so that either parcel is noncompliant with the applicable regulations shall be deemed a violation of this approval; and

8. That the applicant incorporate any recommendations of the OSTA and the Department of Public Works to address safety concerns for pedestrians walking under the highway and across the Interstate 95 and U. S. Route 7 on ramps north on West Avenue; and

9. That a final set of complete plans be submitted for review and approval by the Zoning Inspector to verify compliance with adopted zoning amendment consistent with the plans submitted and approved by this resolution entitled "THE SoNo Collection A GGP Retail Development Project: Final Site Plan Submission April 8th 2016" and that the plans must be at large enough scale to be checked for dimensions and gross floor area for each floor on each site; and

10. That all CEAC signoffs be submitted, and revised plans showing the applicant's compliance with all CEAC conditions of signoff be submitted, prior to the issuance of a zoning permit and the start of construction; and

11. That all soil and erosion controls be installed and maintained prior to the start of any construction or site work; that silt sacks be installed in all existing and proposed catch basins, and that additional controls be installed at the direction of the Commission's staff, as needed; and;

12. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required soil and sedimentation controls; and

13. That a certificate of special permit and the approved site plan (as modified to address any conditions of approval) be filed on the Norwalk Land Records; and

14. That the recommendations to operate the parking garage to accommodate anticipated vehicular traffic through the use of digital parking garage signs, automated space detectors and directional features, as described in "The SoNo Collection – Draft Parking Management Plan" dated March 2016, be made a part of this approval; and

15. That the recommended improvements to enclose the proposed generator contained in "The SoNo Collection Noise Impact of Stand-by Generators" dated December 2015 be made a part of this approval; and

16. That a Connecticut licensed professional engineer certify that the required improvements were installed to City standards prior to the issuance of a certificate of zoning compliance (CZC); and

17. That any graffiti on the site, now or in the future, be immediately removed and that all signs conform to the zoning regulations; and

18. That cutoff shields be installed on all lighting fixtures to prevent any stray light from being emitted off the property; and

19. That trash pick-up be restricted to the hours between 8:00 a.m. and 8:00 p.m.; and

20. That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; and
21. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and
22. That all landscaping be installed as proposed and properly maintained and that any major pruning of the trees receive prior permission of the staff; the intent is to allow the proposed trees to grow to a natural mature height; and
23. That a storm water maintenance plan, including an annual maintenance schedule, be submitted prior to the issuance of a Certificate of Zoning Compliance to verify that the proposed subsurface infiltration system will be maintained; and
24. That the applicant continue to work with the Norwalk Transit District, the Norwalk Redevelopment Agency and the Department of Public Works to determine final bus stop locations and circulator details so that retail shopping center visitors have adequate bus service to the train station during peak hours be provided; and
25. That the applicant be in compliance with the Land Disposition & Development Agreement dated as of December 15, 2000 and executed on May 7, 2011, as amended; and
26. That the applicant be in compliance with the applicable Urban Renewal Plan as amended; and
27. That the area located under the building on North Water Street be lit and secured at all times by the applicant; and
28. Prior to the issuance of a zoning permit, the Applicant shall submit a Construction Staging and Management Plan to provide safe and adequate vehicular traffic operations, pedestrian movements, and protection of environmental quality through the mitigation of noise, dust, and debris subject to the approval of the Director of Public Works or other authority having jurisdiction. The Construction Staging and Management Plan shall address the City's ordinance restrictions on starting times and hours of work and deliveries to the site, measures to control dust, staging areas for materials in addition to construction worker parking as well as the timely removal of construction debris and/or litter adjacent to the jobsite. Said plan shall require that Pine Street and North Water Street remain open in accordance with the approved temporary construction traffic management plan;
29. That the applicant granting easements for any sidewalks and roads as contemplated and depicted on the approved plans;
30. That "attraction signage" to be administratively approved showing pedestrians and vehicular traffic which direction to travel to arrive at the Maritime Aquarium, Oyster Shell Park, Stepping Stones, and other not-for-profit attractions in the area;
31. That updated plans to show the "realignment" of West Avenue traffic lines as requested by DPW consistent with the approved plans entitled "Revised West Avenue Plan dated 5/18/2016, Drawing No. WA-1" be submitted as part of the final plans and incorporated into this approval;

BE IT FURTHER RESOLVED that the reason for this action is that this application complies with applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that each of the impacted parking spaces is deemed to be safe and will allow for the orderly flow of traffic within the proposed development; and

BE IT FURTHER RESOLVED that this application complies Section 118-502 Reed-Putnam Design District in Subarea A (as amended) and with the applicable sections of the Building Zone Regulations for the City of Norwalk.

BE IT FURTHER RESOLVED that the applicant is remediating a contaminated site;

BE IT FURTHER RESOLVED that the applicant is developing a storm water mitigation system;

BE IT FURTHER RESOLVED that the effective date of this action be June 10, 2016.

MR. SUMPTER SECONDED.

Before there was a vote on the resolution, Dori Wilson began a discussion about the impact of the peer review traffic study and the channelization of vehicles using cat tracks. Atty. Bernheim recommended further changes to the resolution in accordance with a request from the Department of Public Works (“DPW”). There was also a discussion about the sidewalk which was actually owned by the state. There was then a discussion about post-construction traffic studies.

Mr. Blank then made a motion to amend condition #1. Emily Wilson seconded the amendment which everyone voted for in favor.

There was then a discussion to remove language which, if an appeal was made, not by the applicant, and a condition was deleted from the “BE IT FURTHER RESOLVED” paragraph, which could deem the resolution invalid and the applicant would have to begin the process all over. Mr. Blank made a motion to delete this language from Ms. Wilson’s original resolution.

Adam Blank; Emily Wilson; Rod Johnson, Linda Kruk, Nate Sumpter; Jill Jacobson, Michael Witherspoon and Michael O’Reilly voted in favor.

No one opposed.

No one abstained.

d. **#22-15SP/#27-15CAM – Norwalk Land Development, LLC (The SoNo Collection) – 63 West Ave/North Water St/Pine St Extension – South Parcel: 8 story, ±302,000 square foot mixed use retail shopping center development with ±154,817 sf retail, ±13,017 sf restaurant/cafe and public improvements and a ±13 story, 152 room hotel (±105,427 sf) with 539 parking spaces in a shared garage - Report & recommended action**

EMILY WILSON MOVED, BE IT RESOLVED that special permit application **#22-15SP** and coastal site plan application **#27-15CAM**; Norwalk Land

Development, LLC (The SoNo Collection) – 63 West Ave/North Water St/Pine St Extension – **South Parcel**: 8 story, ±310,546 square foot mixed use retail shopping center development with ±154,817 sf retail, ±13,017 sf restaurant/cafe and public improvements and a ±13 story, 152 room hotel with 560 parking spaces in a shared garage as shown on a set of plans entitled "THE SoNo Collection A GGP Retail Development Project: Final Site Plan Submission" by RTKL Architecture, Langan Engineering and Mahan Rykiel et al, dated December 12, 2015 as revised to April 15, 2016, be **APPROVED**, subject to the following conditions:

1. That the recommendations contained in The SoNo Collection Traffic Impact Study Peer Review report prepared by WSP Parsons Brinkerhoff and dated April 15, 2016, with the exception of the sidewalk on Reed Street and the raised median at main driveway, and including the applicant's revised truck delivery route plan to circulate truck deliveries counter clockwise; entering on North Water Street and exiting to the north along Crescent Street and Butler Street as shown on a document entitled "Proposed Delivery Truck Route" be incorporated into this approval; and
2. That if the City implements "two-way" traffic on Crescent Street north of this site, that the applicant agrees to provide an easement in favor of the City in order to permit the North Service Drive to function as a two way public street for "non-commercial public use"; and
3. That a copy of the permit issued by the Office of the State Traffic Administration (OSTA) be submitted prior to the issuance of a zoning permit and that any modifications to the approved plan, including changes requested by the OSTA, be submitted for review by the Zoning Commission; and
4. That all traffic improvements, including improvements required by the OSTA and the Department of Public Works, be complete prior to the issuance of a certificate of zoning compliance (CZC); and
5. That within six months after eighty percent (80%) of the retail space is occupied, or sooner if requested by the Commission, a follow-up traffic study be conducted and submitted to the Commission for review and approval; and
6. That within six months after the hotel opens, that the follow-up traffic study be updated and submitted to the Commission for review and approval; and
7. That the southern parcel and the northern parcel are sharing development rights to permit an increase in FAR for the southern parcel and other shared rights including access to parking, utilities and drainage facilities between the two sites and such sharing is integral to this approval. Any attempt to alter the sharing of development rights so that either parcel is noncompliant with the applicable regulations shall be deemed a violation of this approval; and
8. That the applicant incorporate any recommendations of the OSTA and the Department of Public Works to address safety concerns for pedestrians walking under the highway and across the Interstate 95 and U. S. Route 7 on ramps north on West Avenue; and
9. That a final set of complete plans be submitted for review and approval by the Zoning Inspector to verify compliance with adopted zoning amendment consistent with

the plans submitted and approved by this resolution entitled “THE SoNo Collection A GGP Retail Development Project: Final Site Plan Submission April 8th 2016” and that the plans must be at large enough scale to be checked for dimensions and gross floor area for each floor on each site; and

10. That all CEAC signoffs be submitted, and revised plans showing the applicant’s compliance with all CEAC conditions of signoff be submitted, prior to the issuance of a zoning permit and the start of construction; and
11. That all soil and erosion controls be installed and maintained prior to the start of any construction or site work; that silt sacks be installed in all existing and proposed catch basins, and that additional controls be installed at the direction of the Commission’s staff, as needed; and;
12. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required soil and sedimentation controls; and
13. That a certificate of special permit and the approved site plan (as modified to address any conditions of approval) be filed on the Norwalk Land Records; and
14. That the recommendations to operate the parking garage to accommodate anticipated vehicular traffic through the use of digital parking garage signs, automated space detectors and directional features, as described in “The SoNo Collection – Draft Parking Management Plan” dated March 2016, be made a part of this approval; and
15. That the recommended improvements to enclose the proposed generator contained in “The SoNo Collection Noise Impact of Stand-by Generators” dated December 2015 be made a part of this approval;; and
16. That a Connecticut licensed professional engineer certify that the required improvements were installed to City standards prior to the issuance of a certificate of zoning compliance (CZC); and
17. That any graffiti on the site, now or in the future, be immediately removed and that all signs conform to the zoning regulations; and
18. That cutoff shields be installed on all lighting fixtures to prevent any stray light from being emitted off the property; and
19. That trash pick-up be restricted to the hours between 8:00 a.m. and 8:00 p.m.; and
20. That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; and
21. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and
22. That all landscaping be installed as proposed and properly maintained and that any major pruning of the trees receive prior permission of the staff; the intent is to allow the proposed trees to grow to a natural mature height; and
23. That a storm water maintenance plan, including an annual maintenance schedule, be submitted prior to the issuance of a Certificate of Zoning Compliance to verify that the proposed subsurface infiltration system will be maintained; and

24. That the applicant continue to work with the Norwalk Transit District, the Norwalk Redevelopment Agency and the Department of Public Works to determine final bus stop locations and circulator details so that retail shopping center visitors have adequate bus service to the train station during peak hours be provided; and
25. That the applicant be in compliance with the Land Disposition & Development Agreement dated as of December 15, 2000 and executed on May 7, 2011, as amended; and
26. That the applicant be in compliance with the applicable Urban Renewal Plan as amended; and
27. That the area located under the building on North Water Street be lit and secured at all times by the applicant; and
28. Prior to the issuance of a zoning permit, the Applicant shall submit a Construction Staging and Management Plan to provide safe and adequate vehicular traffic operations, pedestrian movements, and protection of environmental quality through the mitigation of noise, dust, and debris subject to the approval of the Director of Public Works or other authority having jurisdiction. The Construction Staging and Management Plan shall address the City's ordinance restrictions on starting times and hours of work and deliveries to the site, measures to control dust, staging areas for materials in addition to construction worker parking as well as the timely removal of construction debris and/or litter adjacent to the jobsite. Said plan shall require that Pine Street and North Water Street remain open in accordance with the approved temporary construction traffic management plan;
29. That the applicant granting easements for any sidewalks and roads as contemplated and depicted on the approved plans;
30. That "attraction signage" to be administratively approved showing pedestrians and vehicular traffic which direction to travel to arrive at the Maritime Aquarium, Oyster Shell Park, Stepping Stones, and other not-for-profit attractions in the area;
31. That updated plans to show the "realignment" of West Avenue traffic lines as requested by DPW consistent with the approved plans entitled "Revised West Avenue Plan dated 5/18/2016, Drawing No. WA-1" be submitted as part of the final plans and incorporated into this approval;

BE IT FURTHER RESOLVED that the reason for this action is that this application complies with applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that each of the impacted parking spaces is deemed to be safe and will allow for the orderly flow of traffic within the proposed development; and

BE IT FURTHER RESOLVED that this application complies Section 118-502 Reed-Putnam Design District in Subarea A (as amended) and with the applicable sections of the Building Zone Regulations for the City of Norwalk.

BE IT FURTHER RESOLVED that the applicant is remediating a contaminated site;

BE IT FURTHER RESOLVED that the applicant is developing a storm water mitigation system;

BE IT FURTHER RESOLVED that the effective date of this action be June 10, 2016.

MS. KRUK SECONDED.

The resolution was amended as to condition #1 and as well as to remove language in the “**BE IT FURTHER RESOLVED**” paragraph, which, if an appeal was made, not by the applicant, and a condition was deleted, could deem the resolution invalid and the applicant would have to begin the process all over.

Adam Blank; Emily Wilson; Rod Johnson, Linda Kruk, Nate Sumpter; Jill Jacobson, Michael Witherspoon and Michael O’Reilly voted in favor.

No one opposed.

No one abstained.

IV. COMMENTS OF ACTING DIRECTOR

Mr. Wrinn thanked all of the commissioners for attending all meetings, including the many Special Meetings since this was a difficult application. He appreciated it. He thanked Dori Wilson for her hard work on this application.

V. COMMENTS OF COMMISSIONERS

Mr. O’Reilly thanked Mr. Blank for keeping it all organized.

The meeting was adjourned at 7:18 p.m.

Respectfully submitted,

Diana Palmentiero