

CITY OF NORWALK
ZONING COMMITTEE
February 14, 2013

PRESENT: Adam Blank, Chair; Nathan Sumpter; Emily Wilson; Jill Jacobson; James White; Michael Mushak; Harry Rilling

STAFF: Michael Greene; Mike Wrinn; Dori Wilson

OTHERS: Atty Liz Suchy; Norm Goldman; Jeff Dragan

Adam Blank called the meeting to order at 8:07 p.m.

**I. PROPOSED AMENDMENTS TO BUILDING ZONE REGULATIONS
& SPECIAL PERMITS**

a) #13-12R/#8-12SP - Lowe's Home Centers, Inc. - 80-100 Connecticut Avenue - Proposed amendments to add anew definition & parking requirement for retail home improvement stores and special permit for proposed 135,000sf. retail home improvement store with garden center & outdoor display areas - Review of public hearing

Mr. Mushak recused himself and left the room. Mr. Wrinn began the presentation by bringing out the model. Mr. Blank thought that the model could have been built to scale. He told the commissioners that at this point, staff would like to find out what questions they would like the applicant to answer in order to make a decision after the public hearing. The application has been approved by the Conservation Commission and has received all departmental approvals. At the hearing there had been some concerns about a follow-up traffic study.

Emily Wilson had a question about adding conditions. Along with the usual boilerplate conditions, Mr. Wrinn had added others that he thought the commissioners were adding. Mr. Sumpter thought the applicant did a great job laying out the project and the total project itself. He would not be opposed to a project like it in Norwalk.

Mr. Blank discussed hours of construction. Mr. Wrinn said that the commissioners did not have jurisdiction over to some degree. For example, if the applicant wanted to work at 4 a.m., the commissioners could not approve it because it would break the city's noise ordinance. Mr. Wrinn did not think it would be wise to give set construction hours if they were to comply with the noise ordinance. Mr. Blank thought it best to set construction hours since the project was in a mostly residential area. Mr. Blank suggested that construction stop at 8 p.m. on weekdays and work a half day on Sunday. Mr. Greene said that if the applicant needed a change later on, they could ask the commissioners. Mr. Wrinn noted where the trees were around the site. Mr. Sumpter thought that the sooner the project started, the sooner jobs could come to the city. The application would be placed on the Zoning Commission agenda for the following week.

b) #17-12R/#9-12SP - Muller Park Realty Company LLC - 30 Muller Ave - Proposed amendment to add "artists workspace" as a new special permit use in Business #2 zone & to legalize multiple special permit uses - Final review prior to

public hrg

Dori Wilson said that the applicant was ready for the public hearing. She asked if there were any further questions. A public hearing on these applications is scheduled for next week.

c) #16-12R/#3-12SPR/CAM/#4-12CAM - TR Sono Partners, LLC - 99 Washington St - Proposed amendment to allow valet, tandem & stacked parking for multifamily developments of 50+ units in the Washington Street Design District & request to modify approved site plan for a 52 unit multifamily development with 99 sp parking garage to add 14 units, add 55 sp, convert garage to valet, tandem & stacked parking spaces & eliminate 24 offsite parking spaces at 43 S. Main - Further review

Dori Wilson began the presentation. The applicant has submitted a new site plan to modify the garage. She mentioned that there was a new garage layout in the packet, along with the old one. Ms. Wilson said that because of the amount of information that they have received and will receive, this application will not be ready for a public hearing until April. The applicant has granted a second extension of time to hold the hearing.

Atty Suchy continued the presentation by going through the history of the application up until this point. She explained the levels of the parking lot as well as the off-site parking. She thought it might be best if they review all the materials they have, as well as visit the site and/or visit any sites that are listed in the materials that they think are necessary to see.

Norm Goldman, a principal at Desman Associates, said that his firm had been hired by the applicant to answer the questions put to them by the Zoning Department staff. They prepared a shared use analysis which came up with an estimate of 131 vehicles that would need to be parked in the garage at a peak hour. The garage can accommodate 154 vehicles so there would be a surplus of about twenty spaces. Mr. Blank asked if this included the 10 public parking spaces required as an amenity. Mr. Goldman said it did. He indicated that they would do a study to determine how long it would take to the valet to retrieve the cars. He explained where vehicles would be parked based upon whether they were hourly, daily or reserved long term. He said they would work with the developer so that clients would not be waiting long for their vehicles. There would also be an economic feasibility report to determine what the market would be willing to pay and then whether it would be economically feasible for the developer. They may need help from the local community because much of the work may be part-time. He then said they have been working hard to get information to the staff so they have requested a public hearing in April. Mr. Greene said that they would take any questions from the commissioners and forward them to Mr. Goldman and has his staff. Mr. Sumpter asked for the location of some of these parking facilities. Mr. Sumpter was told Boston was one community; however, Mr. Sumpter was not keen on travelling to Boston. There would also be a list of other facilities which would give a profile of the facility. Mr. Sumpter also had some questions about how the lifts worked. Mr. Goldman made it clear that the whole garage is not made of lifts. There were only 24 lifts in the parking garage. He also said they were very safe.

Mr. Blank said that he did not believe that their estimates of more long term parking and less short term parking for residents were correct. He believed that since

this was Norwalk and not NYC, most residents would be driving themselves to work; therefore, not keeping their vehicles in the parking garage. There was a discussion of valet parking and how they would get to know the habits of the residents.

d) #1-13R/#7-96SPR - Merritt 7 Venture LLC - Merritt 7 Corporate Park - Proposed amendments to Development Park Sign regulations to permit larger ground signs and review of development park sign plan for Merritt 7 Corporate Park - Further review

Dori Wilson began the presentation. Merritt 7 is proposing a modification to the signage plan. Mr. Dragan, of Landgarden Landscape Architects, continued the presentation. He said that the applicant was proposing 4 new signs to replace the old ones. He thought it would help safety on Main Avenue. Drivers would know quickly which building they wanted without having to slow down. The applicants had made life size mockups to show what the new signs would look like and that they were appropriate.

Dori Wilson said that they had written a proposed amendment to allow for larger signs but reduce the number of signs in the development park sign plan. If the amendment passed, the applicant's site plan would have to be modified to show the change. She also told the commissioners that there were only a few other development park sign plans in the city that would be affected by this amendment. Mr. Blank asked about the other neighborhoods that also had development park sign plans and how the amendment would affect them. She said that it should not be a problem. The regulations have only been in effect for 10 years. Mr. Sumpter thought these signs would add clarity to Main Avenue.

e) #2-13R - Zoning Commission - Proposed amendments to Flood Hazard Zone regulations to adopt new FEMA Flood maps to become effective July 8, 2013 - Preliminary review

Dori Wilson began the presentation. She said that the new flood maps from the Federal Emergency Management Agency ("FEMA") would go into effect in July. Anyone that comes into the Zoning Department's offices to rebuild is given them so that they will be in compliance. The city is required to adopt the amendments before they go into effect on July 8, 2013.

There was then a discussion about a policy issue, brought up by Mr. Greene which was to "what is a substantial improvement?" He explained the meaning of it and what the city requires. The commissioners had to decide on how many years it should be. Mr. Greene said that the goal is to have the houses in the flood zone comply so that they are not gone in a big storm. He also said that at some point, taxpayers could end up paying since flood insurance can only pay for part of the damages. He told the commissioners that they did not have to come up with a number until the public hearing. He said that they advised people to build under the new regulations but that they could not force them to do it that way.

f) #11-12R - Zoning Commission - Proposed amendments to add indoor contractor parking facility as a new use in the Industrial No. 1 Zone, Business No. 1 & No. 2 zone and related technical amendments - Final review prior to public hearing

Dori Wilson began the presentation. She noted that they had a referral from Planning Commission and the Coastal Area Management. Mr. Mushak thought the wording of the proposed amendment did not reflect his comments from November, 2012. He questioned why they picked 12,500 sq. ft. as the size. Mr. Blank said they had gone over a map and some, such as the 6,000 sq. ft. lot, might have conflicts with neighbors. Mr. Mushak said that a contractor group had come in with a petition. Dori Wilson said she had volunteered to go through the list, individually. She said that the understanding was that it was hard to fit what was needed. The other question that Mr. Mushak had was when was it determined that it should be 12,500 sq. ft. He wondered if it was back in the 1980s. He did not know of another town that had a minimum requirement. In Stamford, one could build a 5,000 sq. ft. contractor's yard. He used his business as an example and said that he would not need more than 5,000 sq. ft. He wondered why the city had a different standard than other towns. He felt that the rationale for the minimum had no scientific basis. He said that other contractors did not think that 12,500 sq. ft. was necessary. Some of them had lots in other towns that were smaller. It seemed to limit the availability of properties. He understood the conflict with residential but many of these areas, where the contractor's yards would be, were previously business or restricted industrial zones. He said that when contractors came in to ask for a minimum of 10,000 sq. ft., Zoning Department staff said that 12,500 sq. ft. was necessary to create a buffer from residential. The contractors asked how the staff knew how the contractor's businesses worked. Mr. Greene said that the minimum came from the Zoning Committee which Mr. Blank agreed with. Mr. Mushak said that he did not remember being at that meeting. He did not recall it but Dori Wilson reminded him that it was done in November, 2012. She said the draft of the amendment was prepared right after the committee meeting in November. Mr. Wrinn asked for a clarification from Mr. Mushak asked whether it was for the indoor contractor storage facility. Mr. Mushak said he was also asking about the minimum for the contractor yards. Mr. Greene said that was not being discussed because the Zoning Committee said that it would get back to it at another time.

Mr. Mushak then said he wondered why the restricted industrial (the Martin Luther King area) was not included in the indoor contractor parking facility which was his request. Mr. Greene said that the Zoning Committee had decided not to do that. They had taken notes and it was not in there. Mr. Blank did not remember what happened. Mr. Mushak did not remember that being an agreement. Dori Wilson remembered drafting the proposed amendment after the committee meeting which reflected the decisions of the Zoning Committee. Mr. Mushak remembered sending a two page e-mail on November 14, 2012, which reflected everything that the contractor community was requesting. He said that the contractors had asked for more but that the committee was not giving them everything they wanted. However, the contractors wanted the indoor contractor parking facility and contractor yards in every zone which Mr. Mushak did not think the Zoning Committee would agree to. Mr. Mushak thought that the Martin Luther King area should be included because there are so many different uses in that area. He did not know why there should be a concern as to having either indoor contractor parking facilities or contractor's yards in the Martin Luther King area. Although there had been a study done a few years ago that the area should be left as a restricted industrial use, Mr. Mushak did not think that was a true reflection of what contractors need.

Mr. Mushak said that there was one more issue with the indoor contractor

parking facility which did not allow for material storage inside. Mr. White thought it had been allowed. Mr. Greene said that they can do it as a contractor's office. Mr. Mushak asked why it couldn't be done as an indoor contractor parking facility. Mr. White explained that although the use was the same, this proposed amendment was exclusively for parking. If it is called a contractor's office, then work can be done there. Mr. Mushak realized that the two are not allowed in restricted industrial zones. He said that the only zones that are restricted industrial zones are the Norden Park area and the Martin Luther King area. Mr. Mushak noted how contractors would probably not be able to have contractor offices or indoor contractor parking facilities in the Norden Park area, they had been inquiring about the Martin Luther King area because there are a lot of properties there. He said that he knew the public would have a lot of comments on these proposed amendments. Mr. White thought they should wait for public comment so that they could modify after that. Mr. Blank said that there could also be text amendments done for an applicant. He did not know if the Zoning Department staff had gotten many requests. Mr. Greene said that since the Zoning Committee had decided not to do it at this time, it was not advertised and it could not be done after the public hearing. He said that they are not getting a lot of requests. Mr. Mushak said that he wrote the e-mail because he had felt rushed during the meeting. He went back over his reasons for having contractor's yards in the Martin Luther King area. He did not think that people in that area would have a problem with the addition of contractor's yards. He said if they wanted to put forth these proposed amendments at the public hearing, he was fine, but that it didn't accomplish what the committee had wanted it to. It should allow some parking outside, such as one vehicle per 500 sq. ft. of interior. Mr. White said that it was allowed as a contractor's office. Otherwise, it was for storage only. Mr. Blank asked for clarification of what is allowed in Industrial Zone 1, Business No. 1, and Business No. 2 zone as well as the difference between the different square footage set forth in the amendments. Mr. Wrinn said that the minimum 12,500 sq. ft. did not require coming to the Zoning Commission. If a contractor wanted to build something larger than 20,000 sq. ft, they would need a special permit.

Mr. Mushak said that he hoped that the language fit the need of the contractors. He once again said he did not remember discussing the 12,500 sq. ft. minimum at the committee meeting. He remembered requesting to have a couple vehicles outside. He said he had wanted to call it an "indoor contractor establishment." Again, Mr. White reminded him that contractors could because it is being called a contractor's office. Mr. Mushak said that he still thought the language was restrictive because it required the contractor office to have a majority. Mr. Wrinn said it was a majority of the building. He said it was done for small contractors such as plumbers, electricians, etc. The Zoning Dept. staff reviews the plans to confirm that the majority of the site is being used correctly. Mr. Mushak asked the commissioners about having the indoor contractor parking facility in the Martin Luther King area. Mr. Greene reminded him that the committee had not agreed upon it so it was left out. The committee had discussed reviewing it again at a later time. There was a discussion about allowing individual contractors that might want to put a contractor's yard on Martin Luther King Drive to come before the Zoning Commission for a text amendment change. Many of the commissioners wanted to have the public hearing so that they could hear from the public, rather than delay because the definition wasn't perfect. There was a discussion about materials that contractors use and the aquifer.

g) #15-12R - Zoning Commission - Proposed amendments to Article 30 to limit the number of beehives permitted in residence zones - Final review prior

to public hearing

Dori Wilson began the presentation. She said that the application was ready for public hearing. There were no comments or questions.

h) Discussion of Workforce housing regulations

Dori Wilson began the presentation. She said that the commissioners had received a packet for review which was a listing of the Workforce housing regulations of surrounding towns. Other towns are trying to catch up on the amount of workforce housing they have.

Mr. Blank continued by saying that the commissioners have to begin the review of the regulations by deciding whether the city needs more workforce housing in order to support businesses in the city, etc. He thought that there was a need for affordable housing in the city. Mr. White said that for the developers, it sometimes was not feasible. Mr. Blank said that whatever the goal would be for the amount of affordable housing, there were several ways to achieve it. One was to increase the mill rate in order to raise some revenue that would be allocated to achieving this goal. The funds could go to the private developers or the Housing Authority so that they could build the housing. Another way to do it would be rather than taxing citizens, have the developers pay for it. Mr. White did not think developers would do this without significant tax incentives. Mr. Blank's point was that the goal of workforce housing did not necessarily have to come from regulations but rather, from taxes. The work could be done by a number of different entities, such as developers, housing authority or not-for-profit groups.

Mr. Blank also wanted the commissioners to think about where the affordable housing would be, what types of housing they would be, i.e., luxury, decent or barely livable, what size. They should also think about whether they want the units to be in the developer's project or not. His goal is to change the regulation in order to provide clarity for the Zoning Commission and the developer as to what is allowed and give the developer a fair amount of flexibility as to what they can do.

Mr. Sumpter wanted to have some input from the general public as well as from organizations that handle workforce housing. He thought that it would be best to hear from those who understand the situation. Mr. White said that there had been input from developers for the current set of workforce housing regulations. Mr. Blank said that key players such developers, Fair Housing Authority, etc. should be notified early in the process. Mr. Greene suggested a general hearing to ask the public "what do you want us to do?" Mr. Rilling was concerned about the commissioners not having enough discretion in the process. Mr. Sumpter did not think that all of the workforce housing should be in one area of the city. Mr. Rilling was concerned that the people that should qualify for the workforce housing would not. Emily Wilson thought there should be an informational meeting. Mr. Blank asked that there should be a list of those persons or groups that should be invited to the meeting. He thought written material should be submitted first for review. Mr. Greene said that if it was an informational meeting or workshop, certain parameters could be set, such as the amount of time each speaker could speak, etc. He also said that Zoning Department staff would prepare a draft letter for written materials, a list of people and/or agencies, companies to be solicited for comments, etc. before the next committee meeting. Mr. Mushak hoped that the goal

would be to have housing across all price points. He did not think placing all the affordable housing in South Norwalk was a good idea. He wanted to encourage building everywhere to increase competition. He thought it would make it more affordable. Mr. Blank wanted to stay focused on workforce housing for now. Mr. Mushak thought that the city was underdeveloped in downtown areas. Mr. White said that many people disagreed with that. Mr. Sumpter disagreed with what Mr. White said about people not wanting growth in the city. Mr. White said that if there was a way to make the workforce housing affordable for the builders to build it, they will build it.

The meeting was adjourned at 9:34 p.m.

Respectfully submitted by,

Diana Palmentiero