

From: Lois Laczko March 9, 2009 9:40:13 AM
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ADOPTED

ZONING COMMISSION MINUTES
SPECIAL WORKSHOP
FEBRUARY 9, 2009

I. CALL TO ORDER

Chairman Barney called the Workshop of the Zoning Commission to order at 6:30 p.m. in the Auditorium at Eno Memorial Hall. The following members were present: James Gallagher, John Vaughn, Scott Barnett, Garrett Delehanty, Ed Pabich and Madeline Gilkey. Bruce Elliott arrived at 6:33 p.m. Also in attendance were Director of Planning Hiram Peck, Town Attorney Robert DeCrescenzo, and other interested parties.

Chairman Barney appointed Madeline Gilkey to serve in the absence of Bruce Elliott or until he arrived.

II. WORKSHOP TO DISCUSS TOWN OF SIMSBURY'S ZONING REGULATION REVISIONS
(continued from meeting held on 1/26/2009)

Regarding the Planned Area Development Regulation (PAD), Attorney DeCrescenzo stated that there have not been many changes, although they did add the definition of mixed use to the regulation.

Mr. Delehanty questioned why Attorney DeCrescenzo decided to go with three uses as opposed to two in the definition. Mr. Peck stated that he has reviewed other regulations from all over the country and this is fairly typical. Two uses are seen as a primary and accessory uses; mixed uses are typically more detailed.

Attorney DeCrescenzo gave the Commission an overview of the PAD regulation section by section. Regarding Section One, purpose, he stated that this is in the form of an overlay zone that does not land on a particular site until the application is approved. This is not mapped anywhere in Town; it is available for an applicant's use within a designated zone. He stated that when an applicant comes in for a PAD, one of the key submittals is the

master plan; the PAD and the master plan are linked. The master plan is the zone change and a text amendment as well for the PAD. Attorney DeCrescenzo stated that the key concepts of this regulation are: to encourage mixed-use developments; the form-based zoning language in the regulations; and integration of the site so it functions as an integrated single development.

Regarding the definition section, Attorney DeCrescenzo stated that they have added only the definitions that are important to the PAD process and that are not covered elsewhere. He stated that more definitions may be added in the future.

Regarding Section three, Attorney DeCrescenzo stated that this is another critical section for the way this regulation works, which is eligible zones and minimum tract sizes. This states that unless the applicant has a parcel of land within these zones, the PAD would not apply. He stated that the PAD does not apply to residential zones. One of the key functions of this zone in Simsbury is to permit infill development on smaller tracts of land. Attorney DeCrescenzo stated that the Commission needs to think about how the PAD relates to what is already in the Regulations and what will be gotten from the PAD that the Town does not already have. Some elements of this PAD are already in the regulations in different special zones.

There was some discussion regarding the Center Zone. Attorney DeCrescenzo stated that the Commission could turn down a PAD if it does not meet the Town's goals and objectives or if it is not in harmony with the area, even if it is eligible for a PAD. Chairman Barney feels that this could balkanize the Center of Town.

The Commission discussed eliminating the word, "large", when talking about a site. Mr. Elliott stated that they need to have a standard. He feels that the word, "large" should not be used. The Commission members agreed.

Chairman Barney questioned if a comparison of a PAD to surrounding or neighboring PADs was a requirement. Attorney DeCrescenzo stated that although it does put a burden on the Land Use Commissions, the intention is to get a common approach amongst the Commissions. Currently, without a PAD, if it is consistent with existing zoning, it does not get to the Planning Commission. The master plan of the PAD, because it is in the form of a zone change, would go to the Planning Commission, which would be another level of review.

The Commission discussed how the PAD would relate to surrounding parcels. Attorney DeCrescenzo gave several examples of properties and different scenarios of what could take place.

Regarding Section Four, Attorney DeCrescenzo stated that when an applicant applies for a PAD, there is a list of the regulation sections, which are waived by the master plan. There are certain areas like accessory building and structures; offsite parking and loading; sign regulations; non-conforming uses, etc. He stated that this means that if an applicant applies for a PAD and they want to do a total signage plan, for example, showing the buildings and how the signs relate to the buildings, what is shown on the master plan is what controls, not what the regulations say about signage. Under the PAD, if it is approved, it would become the signage plan; the Commission has full discretion for signage and for parking as well. Currently, there is limited ability to have a shared parking plan under the current regulations.

Regarding parking, Chairman Barney questioned if the Commission has the right to request, require or otherwise, structured parking. Attorney DeCrescenzo stated that they would have that right because under the master plan, they could state that because of a certain reason, there may need to be an alternative, which could be structured parking. Again, the Commission has the discretion.

Attorney DeCrescenzo stated that the second standard under Section Four is for mixed land use. He stated that these are permitted. The third standard is evaluation. This is an attempt to list out how the development will be evaluated including using the POCD, the scale with or relationship between buildings and facades and the public realm, the form and mass of buildings in relation to one another and the scale of types of streets, roads and blocks, etc. He stated that if the Commission came across a PAD application with a master plan that did not work well, they could cite one of these evaluation criteria; this would be justification for denying the zone change application. He stated that this section also has other standards for lights and drainage.

Regarding building intensity, Attorney DeCrescenzo stated that this is the density section; this is an area of the regulation that still needs some revisions. One of the features of a PAD is allowing a higher intensity of development where it is appropriate on a site in exchange for more open space or leaving the natural land as it may be. Density is an important factor in a PAD.

Mr. Elliott stated that one of the reasons that there is interest in a mixed use zone is the argument that the Town needs to do something to add to the housing stock. One of the tactics is mixed use zones. He suggested that the word "housing" be added in this section. He feels that there should be a requirement that some percentage of every PAD present residential in some form. He feels that this would be appropriate. Mr. Peck stated that including housing, where feasible and desirable, is a good

idea. The Commission might want to give themselves the discretion and not require this; this will give the Commission more flexibility.

Chairman Barney questioned if the housing piece of the PAD comes together with the incentive housing zone issue. Mr. Peck stated that the incentive housing zone regulation will help this a great deal. He feels that these two issues will be complementary.

Regarding Section Five, Attorney DeCrescenzo stated that the procedure and application is straightforward. It is in two phases. The preliminary phase is intended to be a pre-application review. He stated that this should be made clearer in the regulation. The pre-application review process looks at the proposed master plan in a preliminary sense. This is the time where the Commission can tell the applicant if this is not something that will work and that they may want to reconsider before pursuing this, although the applicant still has the right to file a final development plan. He stated that the final development plan is the adoption of the master plan and a zone change that becomes part of the permanent map for the Town. He stated that nothing will get built until a site plan, that conforms to the master plan, is submitted and approved. He stated that the Commission could deny the final development plan if it does not conform to the master plan.

Regarding the site plan submission and approval, Attorney DeCrescenzo stated that the same process for a zone change would be used for the master plan. He stated that the Planning Commission makes a referral to the Zoning Commission. The applicant does not lose any rights under this process.

Attorney DeCrescenzo stated that there is a lengthy list in the PAD of documents that the applicant would need to submit with the final development plan, which formally includes reports from Water Pollution Control, Design Review Board, Conservation Commission and any other advisory committee whose opinion is deemed appropriate by the Zoning Commission. He stated that the application is not completed until all 24 required submittals are in, if they apply. The Town Planner would make the final determination if the complete final development plan has been filed and forwarded to the Zoning Commission.

Attorney DeCrescenzo stated that if the Commission likes the format of this regulation, he could get several more regulations around the State for the members to review. He stated that the process of building this regulation is a slow process and they need to do it right.

Chairman Barney suggested that this draft regulation go to the Planning Commission and the Design Review Board for their review and feedback as

soon as possible. Attorney DeCrescenzo stated that it might also be helpful to have a public information session at the library. Chairman Barney agreed.

III. ADJOURNMENT

The workshop adjourned at 7:30 p.m.

Garrett Delehanty, Jr., Secretary