

TO: MEMBERS OF THE PLANNING AND ZONING COMMISSION

RE: REGULAR MEETING – **WEDNESDAY, APRIL 18, 2012**

The Planning and Zoning Commission will hold a regularly scheduled public meeting on Wednesday, April 18, 2012 at 7:00 p.m. in the Council Chambers of the Trumbull Town Hall.

AGENDA

AT 7:00 p.m. the Planning and Zoning Commission will meet in the Council Chambers of the Trumbull Town Hall. The Commission will vote to go into Executive Session to discuss a pending legal action Woodland Hills Homeowners Association vs. Trumbull Planning and Zoning Commission, Docket Nos. FBT CV12-6024475-S and FBT-CV12-6024476-S.

The scheduled Public Hearing will commence at 7:30 p.m.

PUBLIC HEARING

SETTLEMENT

The Town of Trumbull Planning and Zoning Commission will consider and vote to approve or deny the proposed settlement agreement for the pending legal action, Woodland Hills Homeowners Association vs. Trumbull Planning and Zoning Commission, Docket Nos. FBT CV12-6024475-S and FBT-CV12-6024476-S.
HEARING CONTINUED FROM MARCH 21, 2011.

SPECIAL PERMIT

Application #12-06 – Kevin and Marisa Petriello
54 Pert Street

Pursuant to Art. II, Sec. 1.3.2.7 Special Permit to construct an in-law/accessory apartment within existing footprint.

Application #12-07 – Patrick Burdo
5274 Main Street

Pursuant to Art. II, Sec. 1.3.2.7 Special Permit to re-establish existing in-law/accessory apartment.

Application #12-08 – Pilot Corporation of America
60 Commerce Drive

Pursuant to Art. II, Sec. 4.3.6 and Art. IV Special Permit to reconfigure existing parking facilities to construct 26 additional parking spaces with associated site improvements.

Application #12-02 – Tucker Chase
6523 Main Street

Pursuant to Art. II, Sec. 3.2 Special Permit to construct a 943 sq. ft. one story addition to an existing structure. HEARING CONTINUED FROM MARCH 21, 2012

ZONING AMENDMENT

Application #12-09 – Amending of Art. II, Sec. 2.1.3.4 of the Zoning Regulations of the Town of Trumbull to eliminate prohibition on professional office use in homes constructed after July 1995. Petitioner: Planning and Zoning Commission

REGULAR MEETING

Approval of Minutes

Accept minutes of the Special Meeting of March 14, 2012 and the March 21, 2012 Regular Meeting.

Pending Applications

Consider and act on pending applications from tonight's Public Hearing.

By: _____

Helen Granskog
Clerk of the Commission

COMMISSION MEMBERS: PLEASE NOTIFY THE CLERK AT 452-5044 or hgranskog@trumbull-ct.gov, IF YOU ARE UNABLE TO ATTEND.

April 18, 2012 Planning and Zoning Commission Staff Report

Hearing Items

1. 54 Pert St. Accessory Apt.

This proposal meets all applicable requirements for an accessory apartment.

2. 5274 Main St. Accessory Apt.

This is a previously approved accessory apartment which meets applicable requirements that never received a certificate of occupancy or filed paperwork and recording fee as required by Trumbull regulations. Therefore, the approval expired and the applicant was required to come back for reapproval.

3. 60 Commerce Drive -- Site plan modifications

This is a proposal to reconfigure and expand the parking area for an existing building in a business park within the IL-3 zone. The proposal would add an additional 26 parking spaces and would require some minor site grading and utility relocation. No planning or engineering issues have been identified and no additional site or landscape bonds are necessary.

4. 6523 Main Street

This is a proposal to add a first floor addition to an existing two story wooden structure that was most recently used as a barber shop. The expanded structure would have 2611 square feet (1827 square feet on the first floor and 784 square feet on the second floor.) This is an increase of approximately 943 square feet from the existing structure. The expanded structure is proposed to be used for a real estate office which is an allowed use in the B-C Long Hill Green Zone.

The structure is proposed to be expanded to the north to within 6 inches of the property line of an adjacent parcel within the same zone and owned by the same property owner. No side setbacks or buffers are required between adjacent properties within the B-C Long Hill Green Zone. The building and site plan were significantly revised after the initial submittal to address staff concerns regarding ingress/egress. Parking and ingress/egress in the revised submittal appear adequate to support the proposed project. A street front sidewalk segment is proposed in conformance with the goal of creating a pedestrian orientation in the Long Hill Green area.

The package submitted for this project is incomplete and lacks the required A2 survey, landscape plan, and information regarding sewer hookup or verification

that the existing septic tank can support the expanded structure and change of use. The application package should also specify the hours of operation and number of employees/customers and anticipated. Hooking up to the sewer system is recommended by the Engineering Department.

This application has been continued twice to allow time for the additional required information to be provided. Since this information is still lacking, approval of this application can not be recommended at this time and the applicant should be encouraged to withdraw the application and reapply when the required information can be provided.

5. Proposed revisions to the Professional Office Overlay Zone (POOZ)

During the December 2011 and January and February 2012 P&Z meetings, the Commission heard and discussed a proposal by David Anand to amend the Town's zoning regulations to allow professional offices in structures that were built after 1995 within the POOZ. The original intent of the regulations for this overlay zone was that professional office use be allowed only in existing residential structures on busy main roads to offer an alternative use for these structures and to encourage upgrading and restoring these older structures.

A majority on the Commission expressed support for the general concept of modifying the POOZ to allow new residential structures to be used for professional use if the new structures are consistent with and supportive of the residential character and scale of the surrounding neighborhood. The Commission also decided to take over this proposed text change and to make it a Town proposal rather than a private applicant proposal.

Staff subsequently worked with the Commission to develop and refine proposed language to ensure that any new structures constructed for professional office use in the POOZ conform to the character of surrounding residential areas. Dave Anand, who intends to utilize the revised provisions, has indicated his approval of the revised language which is shown below in cross out/underline format.

SECTION 2: SPECIAL RESIDENTIAL ZONES

2.1 Professional Office Overlay Zone (formerly Design District)

2.1.1 Statement of Purpose

To provide homeowners in a designated area the opportunity to preserve the basic structure of, and single-family appearance of, homes in a residential neighborhood by providing additional uses of a professional nature which will preserve the residential character of the remaining homes in an area that has uses other than single family homes.

2.1.2 Location

For purposes of this regulation, the Professional Office Overlay Zone shall be located:

1. Along White Plains Road (Rte. 127) from the intersection of Unity Road and White Plains Road, extending northwesterly to the intersection of Reservoir Avenue and White Plains Road,
2. Along east side of Main Street from the Merritt Parkway, extending southerly to the Bridgeport City line and along west side of Main Street from the eastern entrance access driveway of the Trumbull Mall southerly to the Bridgeport City line, and
3. Properties at 17, 29 and 37 Church Hill Road.

All properties having frontage on White Plains Road or lower Main Street or an existing easement for access onto White Plains Road or lower Main Street within the limited areas described above shall be included, except for the following: (Note: Boundary description on file in Town Clerk's Office and Planning and Zoning Office.)

4. Properties zoned for multi-family and/or affordable housing shall not be included.

2.1.3 Conditions

1. Parking shall be permitted in the rear yard and the side yard with landscaped buffers; parking is prohibited in a front yard, and side yard parking shall be no closer to the street line than the dwelling.
2. A minimum of four (4) off-street parking spaces shall be provided for each permitted use, except for funeral homes as specified in Section 2.1.4. (a)(3) below. All professional office uses shall have parking at the rate of one (1) space per 200 square feet of Gross Floor Area of the area proposed for office use. No On-Street Parking shall be permitted. The Planning and Zoning Commission shall have the discretion to vary the parking requirements based on findings from the traffic/access/parking study required for properties located on lower Main Street or based on findings from an analysis provided by applicants and accepted by the Commission for properties located on the portions of White Plains Road and Church Hill Road that are included in this overlay zone.
3. All parking lots shall be designed such that they can be connected to existing or future parking lots on adjacent parcels, and no obstruction shall be placed to prevent the movement of vehicles between such adjoining parking lots. Wherever possible, the Commission shall consolidate driveways to serve multiple properties and to minimize curb cuts.
4. This use shall ~~not~~ be permitted in a home constructed after the effective date (July 13, 1995) of these regulations only if the applicant can show, to

the satisfaction of the Commission during a Special Permit hearing, that the new structure and the property it sits on will have the appearance of a residential property, and will be similar in character, height, size, scale, and have similar setbacks as the existing structures in the vicinity of the subject property.

5. Any structure built after July 13, 1995 and proposed for professional office use shall be limited in size to the larger of either 1.) the size of the previous structure on the subject property or 2.) no more than 20% larger (in terms of net useable square footage as shown on tax assessor's records) than the average size of the two residential structures adjacent to (on either side of) the subject property or the two residential structures located closest to the subject property if that property is located on a corner lot.
- ~~5.6.~~ The owner of a property approved for professional office use in this overlay zone may, but is not required to, live in and/or operate a professional office on the subject property. The owner may rent all or a portion of the premises for either residential or office use. The Planning and Zoning Commission shall have the discretion to allow more than one professional office use on the property.
- ~~6.7.~~ Building coverage shall not exceed 25%.
- ~~7.8.~~ Signage for funeral homes shall be limited to one per lot, no larger than twelve (12) square feet, ground lighting only, and set back a minimum of 10 feet from the property line; all other signage and shall not exceed six (6) square feet.
- ~~8.9.~~ Approval of an application for professional office use on lower Main Street shall require a traffic/access/parking analysis. Applicants shall be required to pay the cost of a study to be prepared by an expert selected by the Planning and Zoning Commission for the purpose of assessing traffic impact, ingress and egress, parking and vehicular safety for the proposed use. The cost for this analysis shall not exceed an amount estimated by the Town Planner and Town Engineer to cover the cost of an independent traffic/access/parking analysis. The Commission, may, at its discretion, permit an alternative method or arrangement for funding a traffic/access/parking analysis.
- ~~9.10.~~ Approval of applications for professional office use on lower Main Street shall be contingent upon the Planning and Zoning Commission accepting the results of the traffic/parking study described above and approving plans for the subject property showing proposed landscaping, signage, lighting, parking, driveway access and handicapped access.
- ~~10.11.~~ Structures on lower Main Street to be considered for professional office use should be visible from the street. The front of the structure should be no more than 75 feet back from the street.

~~44.12.~~ The Planning and Zoning Commission shall have the discretion to deny a request for a professional office use in any of the areas where this zone applies if they determine based on all the information provided by an applicant, applicant's consultants, Town staff or consultants to the Town that a particular proposed application could have detrimental impacts on health or safety or on the character of the surrounding residentially zoned area.

2.1.4 Permitted Uses

Professional persons in the following list shall be licensed by the State of Connecticut.

- a. Funeral Homes
 - (1) The minimum lot area shall be 4.5 acres.
 - (2) The minimum road frontage shall be 400 feet.
 - (3) A minimum of thirty (30) off-street parking spaces shall be provided.
 - (4) Funeral homes not existing as of August 19, 2009 shall not be permitted on lower Main Street.
- b. Attorneys at Law
- c. Accountants
- d. Architects
- e. Engineers and Surveyors
- f. Medical professional persons, which shall include doctors of medicine, dentistry, optometry, chiropody, podiatry, osteopathy, naturopathy, etc., Doctors: of Veterinary Medicine shall be included only as Veterinary Outpatient Clinics, as defined in [Article I](#), Section 3, 183.
- g. Registered dietitians
- h. Psychologists
- i. Family therapists
- j. Social workers
- k. Nurse clinicians
- l. Insurance agents

- m. Other professional offices, including those not requiring a license from the State of Connecticut.
- n. Real estate offices

2.1.5 Application Procedure

An application for a Special Permit for a permitted use in a Professional Office Overlay Zone shall be made to the Planning and Zoning Commission in accordance with [Article XV](#) of these Regulations, and shall include, in addition to the information required by that Article, the following:

- a. A floor plan of ¼ inch to the foot showing proposed changes to the building; an accurate description of the proposed use, four sets of all drawings, including any proposed addition, elevations, and certified plot plan for the facility. These plans shall show the location of all buildings, building materials (if used), uses, parking areas, traffic access and circulation drives, open spaces, landscaping, exterior lighting, signage, and special features relating to the property.
- b. Applications for professional use on Lower Main Street shall be accompanied by a request for the Town to conduct a traffic/access/parking analysis as described in Section 2.1.3 of these regulations and a deposit in an amount to be determined by the Planning and Zoning Commission to undertake the analysis. If the analysis is completed for less than the deposit amount, the unspent portion will be returned to the applicant within 30 days from completion of the analysis.