

**CITY OF NORWALK  
ZONING COMMISSION  
February 17, 2016**

**PRESENT:** Adam Blank, Chair; Emily Wilson; Jill Jacobson; Linda Kruk; Nathan Sumpter; Douglas Stern; Rod Johnson

**STAFF:** Mike Wrinn; Dori Wilson; Adam Carsen

**OTHERS:** Atty Jackie Kaufman; Paxton Kinol; Craig Flaherty; Tracy Morris; Michael McGuire; Atty Liz Suchy; Laurie Hall; Kwesi Brown; Tim Onderko; Mathew Ayles; Jim Conte; Annalea L Seuch; Atty Steve Grushkin; Michael Galante; Mark Bourassa; Theo Kindermans; Matthew Popp; Anthony Kim; Kathleen Raby; Philip Katz; Michael Glynn

**I. CALL TO ORDER**

Mr. Blank called the meeting to order at 7:20 p.m.

**II. ROLL CALL**

Mr. Wrinn called the roll.

**III. PUBLIC HEARINGS**

**a. #3-15M - Highpointe Holding LLC – 8 North Avenue/37, 41 & 45 High Street/42, 44 & 48 High Street - Proposed change to Building Zone Map from Neighborhood Business to CBDD Subarea A (7 lots) b. #11-15R - Highpointe Holding LLC – Proposed amendments to Section 118-504 CBDD regulations to increase FAR from 2.0 to 2.25 in Subarea A, increase residential density from 1 unit per 800 sf to 1 unit per 500 sf of lot area in Subarea A and to add wider sidewalks as new amenity throughout CBDD c. #7-15SPR/#20-15CAM - Highpointe Holding, LLC – 74-76, 78, 80, 82-84, 86 and 88 Main Street; 6 and 8 North Avenue; 37, 41 and 45 High Street - Highpointe West: 6 story, 284,788 square foot mixed use development with 212 units and 12,730 sf retail and 304 space parking facility with wider sidewalk and through block arcade amenities d. #8-15SPR - Highpointe Holding, LLC – 42, 46 and 48 High Street - Highpointe East: 6 story, 91,174 square foot mixed use development with 66 units and 4,320 sf retail and 94 space parking facility with wider sidewalk amenity**

Since there were many other applications this evening, Mr. Blank suggested that there be one public hearing for all of these.

Atty. Kaufman began the public hearing by handing in the certified, return receipt cards evidencing notice of the public hearings. She then oriented the commissioners as to the location of the property on an aerial map. She introduced the project team and showed the site plans for Highpointe East and Highpointe West. She also showed them the renderings of the constructed buildings. She described the units and retail space. The applicant's goal is to connect the areas and bring people to Wall Street. She described the zone changes. They believed that the application was consistent with the Plan of Conservation and Development, which the applicant referenced.

There was a discussion about the workforce housing units. The applicant planned to follow the regulations, which said they should provide 10% affordable units.

Atty. Kaufman discussed the width of the sidewalks as well as the FAR and the change in residential density. She also described the parking garage, which has 2 levels, one off of Main Avenue, as well as describing the number of units. There is a retail area parking garage and a residential area parking garage. She also noted that the through block would be well lit and open. She explained that the pool is shared between the two buildings and located at Highpointe West.

There would be no lifeguard at the pool. She then briefly described the amenities as well as the landscaping plan. Mr. Knowles explained the requirements under Connecticut law as well as it being fenced so that little children could not get in. Atty Kaufman continued by describing the lighting and the traffic.

Mr. Flaherty, the project engineer, continued the presentation with a discussion of the sign-offs that the applicant has received. He then discussed the drainage, the rain gardens and the water quality. He then discussed the road and traffic improvements. The improvements would include 5 lanes of traffic where there are currently two lanes. This would be a significant improvement for the city. There was then a discussion of the hours for trucks to be at the loading docks for each property. There was also a discussion about a shuttle to the train station.

At this point the commissioners had not questions since they had learned about the project at the committee level.

Tracy Morris, Prospect St., asked about workforce housing and what that meant.

Michael McGuire, 64 Wall St., spoke in support of the application since he lived and worked in the area. He thought it would raise the Grand List.

Atty. Kaufman further explained the workforce housing regulations which required the applicant to have 10% of the units be workforce housing. This would give them 29 units. Mr. Blank recognized that in Fairfield County there is not enough workforce housing. It was the hope that these types of projects are at least adding to the inventory. Mr. Knowles added that many units are available and asked that was looking for an apartment they should apply. There was a discussion of the income levels as well.

Ms. Jacobson read the referrals from the Planning Commission and Coastal Management into the record.

There was a discussion of the loading docks and the shuttle service which Mr. Blank asked to be part of the resolution as conditions.

Mr. Blank closed the public hearing.

**e. #18-15SP/#23-15CAM – NW MFP Norwalk Town Center II, LLC - Waypointe South Block – 17 Butler Street/3 Quincy Street - Add 16 lane bowling alley with 3,375 sf restaurant to approved mixed use development f. #8-14SPR/#9-14CAM – NW MFP Norwalk Town Center II, LLC - 17 Butler/3 Quincy/467 West Av – Waypointe South Block – Modify approved 2-3 story, 138,630 sf mixed use development to 7 story, 236,475 sf mixed use development with 526 seat iPic theater, 46,866 sf retail, 6,604 sf restaurant, 4,428 sf office, 16 lane bowling alley and 80 multifamily dwelling units with public amenities to permit 1 story, 22 ft, 11 inches bonus height & related changes**

Mr. Blank opened the public hearing.

Atty. Suchy began the public hearing by handing in the certified, return receipt cards evidencing notice of the public hearing. She introduced the project team and then gave a brief overview of the applications. She showed the commissioners the site plans and described the special uses which included a bowling alley. She discussed the workforce housing. She also explained how there were changes to a site plan that was already approved. She said that the applications met the zoning requirements.

Mr. Flaherty continued the presentation by highlighting improvements to the site plan. There were 3 bonus amenities which included a green roof, wide sidewalks and a pedestrian plaza. There was a discussion about the crosswalk.

Laurie Hall, the architect on the project, then continued the presentation by describing the units.

Mr. Brown, the traffic engineer, continued the presentation by explaining the proposed

changes to the traffic at the site.

Michael McGuire spoke in support of the application.

There was a discussion about the shuttle from the project. There is a proposed trolley from many of the developments in this area so that the shuttle would not need to run anymore.

Mr. Blank asked if anyone from the public wished to speak. As there was no one he closed the public hearing.

**g. #10-15SPR – Tucker Mgmt LLC – 467 Connecticut Avenue – 2 new buildings: 2 story retail building and 2 story Chick-Fil-A restaurant with drive thru**

Mr. Blank opened the public hearing.

Atty. Suchy began the public hearing by handing in the certified, return receipt cards evidencing notice of the public hearing. She introduced the project team and then showed the commissioners a picture of the current building. She also described what was parked there and the site was “neglected.” She noted that the applicant also had an application before the Conservation Commission, which would render a decision on the following Tuesday. She explained what was on the surrounding property. She gave the commissioners a brief history and overview of the property. She said that the applicant would be adding trees and bushes to the property to green it up, particularly on Connecticut Avenue. She also noted that all the signoffs are in the file.

Tim Onderko, the engineer on the project, continued the presentation by showing the commissioners an aerial view of the property. He explained how they would landscape and will help reduce the run-off from their property and the one next to it. Some of the water would go back into the ground. He noted that the traffic study was reviewed by the Department of Public Works (“DPW”). There was a concern about the drive-thru which he explained how it would work. There was also a discussion about how to have vehicles make a right hand exit from the property.

Mr. Blank discussed conditions that he recommended to include in the resolution. He also suggested making one of the streets in the area a one way street to avoid sending cars into the neighborhood.

Mathew Ayles, the architect on the project, continued the presentation. He showed the commissioners the renderings of the building. He explained the first and second floor which will be used as storage. He discussed the second building which was planned to be a furniture store.

Atty Suchy then summarized the presentation.

Jim Conte, the neighbor next to the property, spoke in support of the project because of the conditions of the current property; however, there were minor concerns which he shared with the commissioners. He was concerned about the use of the second structure which may not be a furniture store. If that was to happen, they would need more parking. The other concern was about the turn out of the Stop and Shop parking lot. He was concerned that there would be more traffic and thought this would be a good chance to fix it.

Annalea L Seuch, 38 Rampart Road, had concerns about the traffic on Rampart and asked that there not be a right hand turn out of the parking lot. She also had concerns about the litter from the drive-thru.

Mr. McGurko discussed the easements on the property, in order to address Mr. Conte’s concerns. He also noted that it would be difficult to change the traffic out of the Stop and Shop parking lot. Mr. Blank made some suggestions about this. Atty Suchy addressed Mr. Conte’s concerns about the second building. She stated that if it was not used as a furniture store, they would have to appear before the Zoning Commission to revise the site plan and parking. She also said that there may have to be a conversation with the DPW about the traffic out onto Rampart Road. There was also a discussion about the Conservation Commission’s decision. The commissioners would have to wait for that before they could vote on this matter.

Mr. Blank closed the public hearing and recused himself before the next public hearing. He left the room.

**h. #1-16SP – RAP II, LLC – 123-125 Richards Av – 72 unit congregate housing/assisted living facility**

Mr. Sumpter, acting as chair, opened the public hearing.

Atty. Grushkin began the presentation by introducing the project team. He gave a background of the applicant that develops these types of assisted living facilities. He then handed in the certified, return receipt cards evidencing notice of the public hearing. He oriented the commissioners as to the location of the property on an aerial map. He described the other developments in the area. He noted that the facility is a memory care facility and described how the complex was separated into households. He explained the courtyard and the importance of the residents having constant supervision.

Mr. Galante continued the presentation with a brief review of his traffic study which included a review of the areas that were analyzed on the aerial map.

Atty. Grushkin then continued the presentation by noting that this facility is important to the neighborhood and that the Plan of Conservation and Development even makes reference to these types of facilities. He then handed in a letter of support from the President of the Chamber of Commerce.

Mark Bourassa, the architect on the project, continued the presentation by describing the materials that would be used on the building. He explained the flat roof design.

Atty Grushkin then explained the conservation easement and retaining wall which would have plantings along it.

Theo Kindermans, the landscape architect on the project, continued the presentation by explaining that the property had plantings in the rear which they would supplement. He explained what they would add to the side of the property. He also explained that there would be plant boxes for the residents as well as bird feeders and bird houses. There would be courtyards which would be distinguishable from each other so that they do not get lost. He explained how the lighting would not spillover onto the neighbors' properties. There was a discussion as to the plantings along the retaining wall.

Atty. Grushkin then discussed the entrances, exits and mechanicals that were on the property. The applicant met all noise ordinances. He then mentioned that the applicant had received all of the necessary sign-offs. He said that this was a good place for the project because of the proximity of mass transit. He described the other uses that could be constructed in the B zone for a special permit. He explained that this facility would be necessary in the future as more people would need it.

Michael McGuire, a commercial real estate consultant, continued the presentation as he described the different uses that were in the area including Norwalk Community College and residential homes. He then explained how his report was done. It showed that the project would not have a value impact on the houses nearby. It was a low impact use on the area.

Matthew Popp continued the presentation discussed the study that he had prepared for the application in connection with the Five Mile River. He discussed the conservation easement line as well. He said there would be no adverse impact to the environment in the area.

Atty. Grushkin ended the presentation by reminding the commissioners that the application met all the criteria for a site plan and should be approved.

Anthony Kim, 12 Riverwalk Lane, spoke against the application. He told the commissioners that he lived across from the property. He noted that the project had previously been rejected by the Conservation Commission. He was perplexed at how the decision was reversed without allowing the public a chance to comment. He noted that there had been no communication about the hours of construction and how long it would take, to date. He wanted to know what specifically was changed from the first application to the Conservation Commission to new one. He also asked about sediment control and run-off. He then asked about noise and light controls during construction. Would there be any remedies for home owners if their property values go down in the future because of this development?

Kathleen Raby, 9 Riverwalk Lane, spoke against the application. She was concerned about the flooding, run off and the tree removal. There was a discussion of the flooding at her house currently and whether she had done anything about it. She was not sure how to improve the situation. She said that she and her neighbors had gone to the Wetlands Commission the previous summer.

Atty. Grushkin explained that the project would not in the wetlands nor would they disturb them. He also explained that the property was not in the flood zone and that their drainage would help fix the situation.

Philip Katz, one of the engineers on the project, continued the rebuttal by explaining the drainage analysis that his company had performed. He said there would be less water after the project is completed than before. He explained the sediment and erosion controls. There was a discussion of the construction process of what had to be done to mitigate disturbances to the neighbors. Michael Glynn discussed the number of months of construction that was expected. They would go beyond the city's regulations in order to be a good neighbor. There was as a discussion as to the maturity of the trees that would be planted.

Mr. Sumpter closed the hearing and Mr. Blank returned to the room.

#### **IV. REPORT OF PLAN REVIEW COMMITTEE, JILL JACOBSON, CHAIR**

##### **a. Action on Items III. e., f., g. and h.**

- i. #18-15SP/#23-15CAM – NW MFP Norwalk Town Center II, LLC - Waypointe South Block – 17 Butler Street/3 Quincy Street - Add 16 lane bowling alley with 3,375 sf restaurant to approved mixed use development**

**\*\* MS. KRUK MOVED: BE IT RESOLVED** that special permit application **#18-15SP/#23-15CAM**– NW MFP Norwalk Town Ctr, II LLC & 3Q Property LLC and related modifications to **#8-14SPR** and coastal site plan application **#9-14CAM - 17 Butler Street/3 Quincy Street** (South Block) – Add a 16 lane bowling alley with a 3,375 sf restaurant and a small games area to the approved mixed use development as modified to increase to a 7 story, 236,475 square foot mixed use development with 526 seat iPic theater, 46,866 sf retail, 6,604 sf restaurant, 4,428 sf office, 16 lane bowling alley (see #18-15SP) and 80 multifamily dwelling units with new public amenities to permit one (1) additional story and 22 feet and 11 inches bonus height and expand existing below grade parking garage to 568 parking spaces within a Design District Development Park as shown on a set of plans entitled "District Center at Waypointe Norwalk CT." by Redniss and Mead Engineers dated June 17, 2014 as revised to January 11, 2016 and various related plans by Penney Design Group and Didona Associates Landscape Architects, LLC, be **APPROVED**, subject to the following conditions:

1. That revised development park agreements between the revised south block parcels and the midblock, north block and east block parcels in the Waypointe Design District Development Park allowing the transfer of development rights to permit shared parking between parcels and increases in permitted FAR, coverage and density be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a final certificate of zoning compliance (CZC); and
2. 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
3. That all traffic improvements, including improvements required by the OSTA, be complete prior to the issuance of a certificate of zoning compliance (CZC) and that within six months of the issuance of the CZC, a follow-up traffic study be submitted; and
4. 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

5. That a covenant which ensures the continuous operation and maintenance of each of the public amenities, including a 1,523 sq. ft. public plaza, 4,367 sq. ft. of wider sidewalks and a 10,165 sq. ft. green roof as shown on a plan dated February 10, 2016, shall run with the land in perpetuity and shall be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a final Certificate of Zoning Compliance (CZC); and
6. That any changes to the approved plan be submitted to staff for review and approval prior to those changes being implemented; and
7. That all CEAC signoffs be submitted prior to the start of construction; and
8. That the storm water maintenance plan, including the annual maintenance schedule, be made a part of this approval to verify that the proposed subsurface infiltration system is maintained; and
9. That all soil and erosion controls be installed 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
10. That any graffiti on the site, now or in the future, be immediately removed; and
11. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required improvements and that a Connecticut licensed engineer certify that the required improvements were installed to City standards; and
12. That all site improvements shown on the above-referenced plans are the applicant's responsibility including flush paver crosswalks, granite curbs, moveable furniture and any street improvement upgrades; and
13. That the landscape plan be revised to show decorative pavers on the crosswalk connecting the south block to the Stepping Stones Museum for Children and made part of this approval; and
14. That a shuttle bus service from the site to the train station be provided seven (7) days per week during AM and PM peak hours for at least one (1) year from the date of issuance of a certificate of zoning compliance (CZC); and
15. That truck deliveries and use of loading spaces be limited to weekdays between 8:00 am and 5:00 pm; and

**BE IT FURTHER RESOLVED** that this application complies with applicable coastal resource and use policies; and

**BE IT FURTHER RESOLVED** that this application complies with Section 118-504 Central Business Design District, for a Design District Development Park in Subarea B and with applicable sections of the Building Zone Regulations for the City of Norwalk, as amended.

**BE IT FURTHER RESOLVED** that the effective date of this action be February 26, 2016.

**Mr. Sumpter seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern, Rod Johnson and Jill Jacobson voted in favor.**

**No one opposed.**

**No one abstained.**

**ii. #8-14SPR/#9-14CAM – NW MFP Norwalk Town Center II, LLC - 17 Butler/3 Quincy/467 West Av – Waypointe South Block – Modify approved 2-3 story, 138,630 sf mixed use development to 7 story, 236,475 sf mixed use development with 526 seat iPic theater, 46,866 sf retail, 6,604 sf restaurant, 4,428 sf office, 16 lane bowling alley and 80 multifamily dwelling units with public amenities to permit 1 story, 22 ft, 11 inches bonus height & related changes**

**\*\* MR. BLANK MOVED: BE IT RESOLVED** that site plan application **#8-14SPR** and coastal site plan application **#9-14CAM - NW MFP Norwalk Town Center II, LLC & 3Q Property LLC – 17 Butler Street/3 Quincy Street** (Waypointe South Block) – Modify approved plans for a 2-3 story,

138,630 square foot mixed use development to increase to a 7 story, 236,475 square foot mixed use development with 526 seat iPic theater, 46,866 sf retail, 6,604 sf restaurant, 4,428 sf office, 16 lane bowling alley (see #18-15SP) and 80 multifamily dwelling units with new public amenities to permit one (1) additional story and 22 feet and 11 inches bonus height and expand below grade parking garage to 568 parking spaces within a Design District Development Park as shown on a set of plans entitled "District Center at Waypointe Norwalk CT." by Redniss and Mead dated June 17, 2014 as revised to January 11, 2016 and various related plans by Penney Design Group and Didona Associates Landscape Architects, LLC, be **APPROVED**, subject to the following conditions:

1. That revised development park agreements between the revised south block parcels and the midblock, north block and east block parcels in the Waypointe Design District Development Park allowing the transfer of development rights to permit shared parking between parcels and increases in permitted FAR, coverage and density be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a final certificate of zoning compliance (CZC); and
2. That the deed restriction documents referenced in the "NW MFP Norwalk Town Center II, LLC Affordability Plan" dated November 2015 for a total of eight (8) onsite deed restricted workforce housing units (four (4) two bedroom and four (4) one bedroom units), shall be submitted for Corporation Counsel review and then filed on the Norwalk Land Records and that all such workforce housing units be deed restricted in perpetuity and meet all requirements of Section 118-1050 Workforce Housing regulations; 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, be complete prior to the issuance of a certificate of zoning compliance (CZC) and that within six months of the issuance of the CZC, a follow-up traffic study be submitted; and
5. That a covenant which ensures the continuous operation and maintenance of each of the public amenities, including a 1,523 sq. ft. public plaza, 4,367 sq. ft. of wider sidewalks and a 10,165 sq. ft. green roof as shown on a plan dated January 27, 2016, shall run with the land in perpetuity and shall be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a final Certificate of Zoning Compliance (CZC); and
6. That all CEAC signoffs be submitted prior to the start of construction; and
7. That the storm water maintenance plan, including the annual maintenance schedule, be made a part of this approval to verify that the proposed subsurface infiltration system is maintained; and
8. That all soil and erosion controls be installed 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
9. That any graffiti on the site, now or in the future, be immediately removed; and
10. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required improvements and that a Connecticut licensed engineer certify that the required improvements were installed to City standards; and
11. That all site improvements shown on the above-referenced plans are the applicant's responsibility including flush paver crosswalks, granite curbs, moveable furniture and any street improvement upgrades; and
12. That the landscape plan be revised to show decorative pavers on the crosswalk connecting the south block to the Stepping Stones Museum for Children and made part of this approval; and

13. That a shuttle bus service from the site to the train station be provided seven (7) days per week during AM and PM peak hours for at least one (1) year from the date of issuance of a certificate of zoning compliance (CZC); and
14. That truck deliveries and use of loading spaces be limited to weekdays between 8:00 am and 5:00 pm; and

**BE IT FURTHER RESOLVED** that this application complies with applicable coastal resource and use policies; and

**BE IT FURTHER RESOLVED** that this application complies with Section 118-504 Central Business Design District, for a Design District Development Park in Subarea B and with applicable sections of the Building Zone Regulations for the City of Norwalk, as amended.

**BE IT FURTHER RESOLVED** that the effective date of this action be February 26, 2016.

**Mr. Sumpter seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern, Rod Johnson and Jill Jacobson voted in favor.**

**No one opposed.**

**No one abstained.**

**iii. #10-15SPR – Tucker Mgmt LLC – 467 Connecticut Avenue – 2 new buildings: 2 story retail building and 2 story Chick-Fil-A restaurant with drive thru**

This item was sent back to the Plan Review Committee since the applicant was waiting for the decision back from the Conservation Commission.

**iv. #1-16SP – RAP II, LLC – 123-125 Richards Av – 72 unit congregate housing/assisted living facility**

Before the vote for this item, Mr. Blank recused himself and left the room.

**\*\* MS. KRUK MOVED: BE IT RESOLVED** that application #1-16SP – RAP II, LLC – 123-125 Richards Av – 72 unit congregate housing/assisted living facility, and as shown on A-2 Survey titled: "Zoning Location Survey, Depicting Plot Plan Of A property At 123-125 Richards Avenue, Norwalk, Connecticut, Scale: 1"=30', Date: 4/16/2015 and Revised to 1/4/2016" by D'Andrea Surveying & Engineering, PC, Robert L. Liddel, Jr.

Land Surveyor – Connecticut Registration No. 15775 and on the engineering plans by Stantec Engineers (Boston, MA), dated 4/23/2015 and revised to 1/4/2016 and the architectural plans by CBT Architects dated 1/4/2016 be **APPROVED** with the following conditions:

1. That all required CEAC signoffs are submitted; and
2. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required erosion and sediment controls; and
3. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required improvements; and
4. That all soil and erosion controls be in place and verified by an inspection by Staff prior to the start of any work on the site; and
5. That any additional needed soil and sedimentation controls be installed at the direction of the staff; and
6. That the proposed dumpster be locked and properly screened; and

7. That the hours of garbage pick-up be no earlier than 7 a.m. and no later than 7 p.m. and that any deliveries be no earlier than 8 a.m. and no later than 6 p.m.; and
8. That the emergency generator only be tested on Wednesdays at noon; and
9. That all signage, existing and proposed, comply with the zoning regulations; and
10. That any changes to the plan be reviewed and approved prior to those changes being implemented; and
11. That a final certified "as-built" will be required to verify the completed project is built in accordance with the Zoning Regulations (height, setback, etc.); and
12. That an engineer's certification be submitted prior to a certificate of occupancy; and
13. That a stormwater system be maintained per the maintenance plan submitted; and
14. That any graffiti on the site, now or in the future, be removed immediately; and
15. That all HVAC units shall be located in conformance with the applicable zoning setbacks; and
16. That there be a full 5' clearance from any obstruction on the sidewalk on Richards Avenue; and

**Add construction hours similar to the Norwalk Hospital construction hours.**

**BE IT FURTHER RESOLVED** that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-340, "B" residential and 118-1450 Special Permit; and

**BE IT FURTHER RESOLVED** that a Certificate of Special Permit **AND** map be placed on the Norwalk Land Records; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be February 26, 2016.

**Mr. Sumpter seconded.**

**Linda Kruk; Nate Sumpter; Emily Wilson; Doug Stern, Rod Johnson and Jill Jacobson voted in favor.**

**No one opposed.**

**Adam Blank abstained.**

**b. #13-13SP– Trinity Washington Village Ltd Partnership/City of Norwalk – 13 Day St - 10 unit multifamily development – Request for 1 year extension of approval time - Report & recommended action**

**\*\* MS. KRUK MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit application **#13-13SP** and coastal site plan application **#19-13CAM**– Trinity Washington Village Limited Partnership – **13 Day Street** - New 10 unit multifamily development in Flood Zone AE and in a Transit Oriented Development (TOD) area as shown on a set of plans entitled "Parcel 1: 13 Day Street and Hanford Place Building A Norwalk, CT. Trinity Washington Village Limited Partnership & the Norwalk Housing Authority" by Icon Architecture; Tighe & Bond Engineers & Surveyors; Eric Rains Landscape Architecture and other related plans dated September 19, 2013 as revised to November 22, 2013 be **APPROVED**, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **February 28, 2017**; and

**BE IT FURTHER RESOLVED** that the effective date of this action be February 26, 2016.

**Mr. Sumpter seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern, Rod Johnson**

and Jill Jacobson voted in favor.

No one opposed.

No one abstained.

**C. #14-13SP – Trinity Washington Village Ltd Partnership/City of Norwalk – 20 Day St - 70 unit multifamily development – Request for 1 year extension of approval time - Report & recommended action**

**\*\* MS. KRUK MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit application site plan application **#14-13SP** and coastal site plan application **#20-13CAM**– Trinity Washington Village Limited Partnership – 20 Day Street - New 70 unit multifamily development in Flood Zone AE and in a Transit Oriented Development (TOD) area as shown on a set of plans entitled " Parcel 1: 13 Day Street and Day Street Building B Norwalk, CT. Trinity Washington Village Limited Partnership & the Norwalk Housing Authority" by Icon Architecture; Tighe & Bond Engineers & Surveyors; Eric Rains Landscape Architecture and other related plans dated September 19, 2013 as revised to November 22, 2013 be **APPROVED**, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **February 28, 2017**; and

**BE IT FURTHER RESOLVED** that the effective date of this action be February 26, 2016.

**Mr. Sumpter seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern, Rod Johnson and Jill Jacobson voted in favor.**

**No one opposed.**

**No one abstained.**

**d. #15-13SP – Trinity Washington Village Ltd Partnership/City of Norwalk – Raymond, Water & Day Sts - 193 unit multifamily development – Request for 1 year extension of approval time - Report & recommended action**

**\*\* MS. KRUK MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for special permit application site plan application **#15-13SP** and coastal site plan application **#21-13CAM** – Trinity Washington Village Limited Partnership and the Norwalk Housing Authority – Raymond Street – New 193 unit multifamily development in Flood Zone AE and in a Transit Oriented Development (TOD) area as shown on a set of plans entitled "Washington Village Buildings C, D, E Norwalk, CT. Trinity Washington Village Limited Partnership & the Norwalk Housing Authority" by Icon Architecture; Tighe & Bond Engineers & Surveyors; Eric Rains Landscape Architecture and other related plans dated September 19, 2013 as revised to November 22, 2013 be **APPROVED**,

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **February 28, 2017**; and

**BE IT FURTHER RESOLVED** that the effective date of this action be February 26, 2016.

**Mr. Blank seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern, Rod Johnson and Jill Jacobson voted in favor.**

**No one opposed.**

**No one abstained.**

**V. REPORT OF ZONING COMMITTEE, EMILY WILSON, CHAIR**

**a. Action on Items III. a., b. c. and d. Note: Action on zoning map change and zoning amendment must precede action on related site plan/CAM site plan applications**

- i. #3-15M - Highpointe Holding LLC – 8 North Avenue/37, 41 & 45 High Street/42, 44 & 48 High Street - Proposed change to Building Zone Map from Neighborhood Business to CBDD Subarea A (7 lots)**

**\*\* MS. WILSON MOVED: BE IT RESOLVED** that the proposed changes to the Building Zone Map as shown on a certain document entitled "**#3-15M– Highpointe Holding LLC - 37, 41, 42, 44, 45 & 48 High St/8 North Av - Proposed zone change from Neighborhood Business to Central Business Design District (7 lots)**" and dated September 17, 2015 affecting property located in the First Taxing District, Block 66, Lots 6, 34, 35 and 36 and Block 67, Lots 7, 8 and 9 including property now part of the North Ave ROW and High Street ROW, all of which is now zoned Neighborhood Business and is proposed for change to Central Business Design District Subarea A, be **APPROVED**.

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

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)" (A.3.1.2, p.12); and
2. To implement the Plan of Conservation and Development to "Continue to provide budget funding to redevelop the West Avenue, Wall Street, and Reed Putnam areas with new housing and mixed use developments" (A.2.1.4, p. 11); and
3. To implement the Plan of Conservation and Development to "Encourage retail activity in the West Avenue/Wall Street and Reed Putnam areas and place emphasis on pedestrian-oriented environment" (A.4.1.1, p.13)

**BE IT FURTHER RESOLVED** that the effective date of this action be February 26, 2016.

**Ms. Kruk seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern, Rod Johnson and Jill Jacobson voted in favor.**

**No one opposed.**

**No one abstained.**

- ii. #11-15R - Highpointe Holding LLC – Proposed amendments to Section 118-504 CBDD regulations to increase FAR from 2.0 to 2.25 in Subarea A, increase residential density from 1 unit per 800 sf to 1 unit per 500 sf of lot area in Subarea A and to add wider sidewalks as new amenity throughout CBDD**

**\*\* MS. WILSON MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "**#11-15R– Highpointe Holding, LLC – Proposed amendments to Section 118-504 Central Business Design District (CBDD) to revise amenity provisions to allow wider sidewalk bonuses throughout the CBDD and to revise schedule for Subarea A to increase base floor area ratio from 2.0 to 2.25 and to increase residential density from one dwelling unit per 800 sf of lot area to one dwelling unit per 500 sf of lot area**" and dated October 14, 2015 be **APPROVED**.

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

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). (A.3.1.2, p. 12,); and

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

**BE IT FURTHER RESOLVED** that the effective date of this action be February 26, 2016.

**Mr. Sumpter seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern, Rod Johnson and Jill Jacobson voted in favor.**

**No one opposed.**

**No one abstained.**

**iii. #7-15SPR/#20-15CAM - Highpointe Holding, LLC – 74-76, 78, 80, 82-84, 86 and 88 Main Street; 6 and 8 North Avenue; 37, 41 and 45 High Street - Highpointe West: 6 story, 284,788 square foot mixed use development with 212 units and 12,730 sf retail and 304 space parking facility with wider sidewalk and through block arcade amenities**

**\*\* MR. SUMPTER MOVED: BE IT RESOLVED** that site plan application **#7-15SPR** and coastal site plan application **#20-15CAM** - Highpointe Holding, LLC – 74-76, 78, 80, 82-84, 86 and 88 Main Street; 6 and 8 North Avenue; 37, 41 and 45 High Street - **Highpointe West** - 6 story 284,130 square foot mixed use development with 212 units(22 workforce housing units and 190 market-rate units),12,730 sf retail and 304 space parking facility with wider sidewalks and through block arcade amenities as shown on a set of plans entitled "Highpointe West Norwalk, CT. prepared for Highpointe Holding, LLC" by Redniss and Mead Engineers dated January 7, 2016 and various related plans by Gooding Architecture and Eric Rains Landscape Architects, LLC, be approved, subject to the following conditions:

1. That the deed restriction documents referenced in the “Highpointe Holding, LLC Draft Affordability Plan” dated November 9, 2015 for a total of twenty-two (22) onsite deed restricted workforce housing units (eleven (11) two bedroom and eleven (11) one bedroom units), be submitted for Corporation Counsel review and then filed on the Norwalk Land Records and that all such workforce housing units be deed restricted in perpetuity and meet all requirements of Section 118-1050 Workforce Housing regulations; and
2. 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
3. That all traffic improvements, including improvements required by the OSTA, be complete prior to the issuance of a certificate of zoning compliance (CZC) and that within six months of the issuance of the CZC, a follow-up traffic study be submitted; and
4. That a covenant which ensures the continuous operation and maintenance of each of the public amenities, including a 552 sq. ft. through block arcade and 16,488 sq. ft. of wider sidewalks as shown on a plan dated February 10, 2016, shall run with the land in perpetuity and shall be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a final Certificate of Zoning Compliance (CZC); and
5. That all CEAC signoffs be submitted prior to the start of construction; and
6. That the storm water maintenance plan, including the annual maintenance schedule, be made a part of this approval to verify that the proposed subsurface infiltration system is maintained; and

7. That all soil and erosion controls be installed 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
8. That any graffiti on the site, now or in the future, be immediately removed; and
9. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required improvements and that a Connecticut licensed engineer certify that the required improvements were installed to City standards; and
10. That all site improvements shown on the above-referenced plans are the applicant's responsibility including flush paver crosswalks, granite curbs, moveable furniture and any street improvement upgrades; and
11. That a shuttle bus service from the site to the train station be provided weekends from 11:00 am to 6:00 pm for at least one (1) year from the date of issuance of a certificate of zoning compliance (CZC); and
12. That truck deliveries and use of loading spaces be limited to weekdays between 8:00 am and 5:00 pm; and

**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 this application complies with Section 118-504 Central Business Design District, for a Design District Development Park in Subarea B and with applicable sections of the Building Zone Regulations for the City of Norwalk, as amended.

**BE IT FURTHER RESOLVED** that the effective date of this action be February 26, 2016.

**Mr. Blank seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern, Rod Johnson and Jill Jacobson voted in favor.**

**No one opposed.**

**No one abstained.**

**iv. #8-15SPR - Highpointe Holding, LLC – 42, 46 and 48 High Street - Highpointe East: 6 story, 91,174 square foot mixed use development with 66 units and 4,320 sf retail and 94 space parking facility with wider sidewalk amenity**

**\*\* MR. SUMPTER MOVED: BE IT RESOLVED** that site plan application **#8-15SPR - Highpointe Holding, LLC – 42, 44 and 48 High Street - Highpointe East - 6 story, 91,174 square foot mixed use development with 66 units (7 workforce housing units and 59 market-rate units), 4,320 sf retail and 94 space parking facility with wider sidewalk amenities as shown on a set of plans entitled "Highpointe East Norwalk, CT. prepared for Highpointe Holding, LLC" by Redniss and Mead Engineers dated January 7, 2016 and various related plans by Gooding Architecture and Eric Rains Landscape Architects, LLC, be approved, subject to the following conditions:**

1. That the deed restriction documents referenced in the "Highpointe Holding, LLC Draft Affordability Plan" dated November 9, 2015 for a total of seven (7) onsite deed restricted workforce housing units (three (3) two bedroom and four (4) one bedroom units), be submitted for Corporation Counsel review and then filed on the Norwalk Land Records and that all such workforce housing units be deed restricted in perpetuity and meet all requirements of Section 118-1050 Workforce Housing regulations; and
2. 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

3. That all traffic improvements, including improvements required by the OSTA, be complete prior to the issuance of a certificate of zoning compliance (CZC) and that within six months of the issuance of the CZC, a follow-up traffic study be submitted; and
4. That a covenant which ensures the continuous operation and maintenance of each of the public amenities, including a 5,063 sq. ft. of wider sidewalks as shown on a plan dated February 10, 2016, shall run with the land in perpetuity and shall be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a final Certificate of Zoning Compliance (CZC); and
5. That all CEAC signoffs be submitted prior to the start of construction; and
6. That the storm water maintenance plan, including the annual maintenance schedule, be made a part of this approval to verify that the proposed subsurface infiltration system is maintained; and
7. That all soil and erosion controls be installed 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
8. That any graffiti on the site, now or in the future, be immediately removed; and
9. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required improvements and that a Connecticut licensed engineer certify that the required improvements were installed to City standards; and
10. That all site improvements shown on the above-referenced plans are the applicant's responsibility including flush paver crosswalks, granite curbs, moveable furniture and any street improvement upgrades; and
11. That a shuttle bus service from the site to the train station be provided weekends from 11:00 am to 6:00 pm for at least one (1) year from the date of issuance of a certificate of zoning compliance (CZC); and
12. That truck deliveries and use of loading spaces be limited to weekdays between 8:00 am and 5:00 pm; and

**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 this application complies with Section 118-504 Central Business Design District, for a Design District Development Park in Subarea B and with applicable sections of the Building Zone Regulations for the City of Norwalk, as amended.

**BE IT FURTHER RESOLVED** that the effective date of this action be February 26, 2016.

**Ms. Kruk seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern, Rod Johnson and Jill Jacobson voted in favor.**

**No one opposed.**

**No one abstained.**

- b. **#14-15R - A. J. Penna & Son - 2 Muller Av - Proposed amendment to permit contractors storage yards on parcels of 2 acres or more that abut a limited access hwy – Report & recommended action**

**\*\* MS. WILSON MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "**#14-15R - A. J. Penna & Son - Proposed amendment to add contractors storage yards as a Special permit use on parcels of 2 acres or more that abut a limited access highway in Business #2 zones**" and dated November 12, 2015, be **APPROVED AS MODIFIED**;

That the amendment be revised to add the following text: "*and that the site does not abut an existing multifamily development in the Business Zone #2.*"

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

To implement the Plan of Conservation and Development to “Examine and modify existing zoning where necessary to achieve the goals of this plan” (F.2.1, p. 42); and

1) To implement the Plan of Conservation and Development to “Seek private investment within the community” (A.1.1.1, p. 10) and to “Encourage diversity in commerce and industry” (A.1.1.2, p. 10); and

**BE IT FURTHER RESOLVED** that the effective date of this action be February 26, 2016.

**Ms. Kruk seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern, Rod Johnson and Jill Jacobson voted in favor.**

**No one opposed.**

**No one abstained.**

**c. #19-15SP - A. J. Penna & Son - 2 Muller Av - Proposed contractors storage yard in Business #2 zone – Report & recommended action**

**\*\* MS. WILSON MOVED: BE IT RESOLVED** that special permit application **#19-15SP** for a contractors storage yard at 2 Muller Avenue as shown on the plan entitled, "A.J. Penna & Son – 2 Muller Ave Norwalk CT. - Proposed site improvements for a contractors storage yard" and dated November 6, 2015 as revised to November 11, 2015 by Landtech Engineers, Westport, CT be **APPROVED** subject to the following conditions:

1. 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
2. That the plans be revised (as needed) to address the terms and conditions contained in the Aquifer Protection Agency (APA) Permit #PA16-01 dated February 12, 2016 and the Inland Wetland Agency permit #D15-425 dated December 11, 2015 and that these permits be made part of this approval; and
3. That all required soil sedimentation and erosion controls are in place prior to the start of any construction and that any additional soil sedimentation and erosion controls be installed at the direction of the staff; and
4. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required erosion and sediment controls; and
5. That other than the designated outdoor storage bins there be no storage of materials outside; and
6. That any horn blowing, idling of trucks, and exhaust discharge be in compliance with Chapter 68 [§68-6 Prohibited Activities] - Noise Ordinance of the City Code of Norwalk; and
7. That any modifications to the approved plan, including any changes required by any other agency that requires a substantial change to these plans, be submitted to the Zoning Commission for review and approval; and
8. That the hours of operation specified in the Operations Narrative (generally Monday – Friday from 6:30 am – 5:30 pm; although the facility may operate later seasonally or on weekends during emergencies) be made part of this approval; and
9. That all signage, existing and proposed, comply with the zoning regulations; and
10. That any graffiti on the site, now or in the future, be removed immediately; and
11. That a licensed Connecticut engineer certify that all of the required improvements were installed in accordance with City standards and complies with all relevant Federal flood regulations, prior to the issuance of a certificate of zoning compliance; and

**BE IT FURTHER RESOLVED** that this application complies with Section 118-522 Business Zone #2 (as amended) and with applicable sections of the Building Zone Regulations for the City of Norwalk, as amended.

**BE IT FURTHER RESOLVED** that the effective date of this action be February 26, 2016.

**Ms. Kruk seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern, Rod Johnson and Jill Jacobson voted in favor.**

**No one opposed.**

**No one abstained.**

**d. #15-15R –Zoning Commission – Proposed amendments to Section 118-1050 Workforce Housing regulation to revise priority designations for workforce units – Report & recommended action**

**\*\* MS. WILSON MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled “**#15-15R – Zoning Commission – Proposed amendments to Section 118-1050 Workforce Housing regulation to revise priority designations for workforce units**” and dated December 4, 2015 be **APPROVED**.

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

1) To implement the Plan of Conservation and Development to “Allow a wide range of housing opportunities to ensure that the housing needs of all segments of the labor force are met” (A.1.2.3 p. 10); and

2) To implement the Plan of Conservation and Development to “Require a minimum of ten percent affordable units in all developments over 20 units as per the Workforce Housing ordinance” (A.2.1.5 p. 11); and

**BE IT FURTHER RESOLVED** that the effective date of this action be February 26, 2016.

**Ms. Kruk seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern, Rod Johnson and Jill Jacobson voted in favor.**

**No one opposed.**

**No one abstained.**

## **VI. REPORT OF ADMINISTRATION COMMITTEE**

**a. Action on settlement of 150/166/170 Glover Avenue LLC v. Zoning Commission appeals**

**No action was taken.**

## **VII. APPROVAL OF MINUTES: January 20, 2016**

**Ms. Wilson moved to approve the minutes.**

**Mr. Blank seconded.**

**Ms. Kruk seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern, Rod Johnson and Jill Jacobson voted in favor.**

**No one opposed.**

**Ms. Jacobson abstained.**

## **VIII. COMMENTS OF ASSISTANT DIRECTOR**

**Mr. Wrinn had no comments.**

**IX. COMMENTS OF COMMISSIONERS**

**There were no comments from the commissioners.**

**X. ADJOURNMENT**

**Ms. Kruk made a Motion to Adjourn.**

**Mr. Sumpter seconded.**

**Linda Kruk; Adam Blank; Nate Sumpter; Emily Wilson; Doug Stern, Rod Johnson and Jill Jacobson voted in favor.**

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 10:22 p.m.

Respectfully submitted,

Diana Palmentiero