

**MINUTES OF PUBLIC HEARING ON AN ORDINANCE TO ADOPT THE
RESIDENTIAL CHARACTER OFFICE (RCO) ZONE REQUIRING OFFICE
CONVERSIONS IN THE RCO ZONES TO PRESERVE THE RESIDENTIAL
CHARACTER OF THE BUILDING**

June 27, 2000

Council Chambers

999

President Rob Bouvier called the hearing to order at 6:59 p.m.

Present were Councilors Holly Abery-Wetstone, Rob Bouvier, Kevin Connors, Carl Donatelli, Liz Gillette, Jim O'Brien, Andrew Schoolnik, John Shulansky and Al Turco.

President Bouvier: Again we have a recommendation, correspondence from our Town Plan and Zoning Commission dated June 5th, 2000 recommending unanimous approval. Mr. Feldman.

Mr. Feldman: Mr. Mayor, this is a unique ordinance that if you have had a chance to glance at it you can tell that it has certain characteristics that I think could be very, very positive depending upon where the ordinance actually is cited. This only establishes the legislation that allows the zone change. The zone change would be a subsequent action so there is no zone change, specific zone change connected to this. It only is the enabling legislation to allow a zone change to occur as a subsequent action. Maybe, Don, if you would like just take maybe a couple of minutes just to get into the planning aspects of this new legislation.

Mr. Foster: Mr. Mayor, members of the Council. As Mr. Feldman indicated this is on first glance it a lot of words here thanks to our Corporation Counsel's Office who thought you should see the entire first quarter of our zoning ordinance and dealing with all of our commercial, residential and other activities but it does place this zoning regulation into our ordinance in sort of an in between role. We have had a lot of dialogue over the last few years about the RMO zone. The Council has applied it to several locations and as you recall the RMO zone is a preservation of the residential look of a property and then allows residential activity, or requires residential activity on the second floor, permits professional office activity at the first floor. This regulation comes just above that in permissiveness and allows the entire building to be used as professional office use but it doesn't go as far as our RO zone which if that were to be applied and we have done that in some instances with a combination special development district. In that instance the entire building could be used for professional offices as it can by this proposed zone. The thing that the RO zone doesn't do and there are several around town is it doesn't preserve that building. An owner of property with an RO zone could remove the property, the physical improvements, and build a glass box absent a special development district approval.

What this does is it puts a new regulation added in between those residential preservation zones and allow professional office and the intent of the regulation talks about a placement in and around other intensive development, places where there is change and activity occurring that would indicate changes are appropriate in the zoning and the allowance of professional offices.

Page 7 of the ordinance is really the nucleus of it all and it explains that intent and then talks about the process and regulation and the preservation of the profile of the building and many of the things that were evident in the RMO zone carry over into the RCO zone, preserving that residential character. The Planning Commission was unanimous in favor in recommending this to you. It didn't unfortunately give you much dialogue. They had been working closely with us in the development of the ordinance and I think just felt that it was something whose time was here, sets

up a good in between regulation. The next hard task, if the Council acts favorably on this, will be as Mr. Feldman indicated you will be looking at some application of that. We don't have anything for you tonight because you wanted to look at the zone. There are some obvious possibilities in and around Town Center, major commercial centers of town where we could conceivably be bringing a recommendation to you from the Town staff and Commission and perhaps even applications from applicants.

This will take a little of the heat off of the Council from the standpoint of special development districts because these are basically going to preserve the character of the building. It will place in the hands of the Planning Commission the review and authorization of the use as opposed to bringing a full blown special development district hearing process to the Council every time you make one of these changes. You will have, of course, the authority in establishing the zone but after that you are going to be seeing your Planning Commission, if the change is proposed that you take care of it and will allow the use to proceed. Questions?

President Bouvier: Thank you, Mr. Foster. Mrs. Gillette.

Councilor Gillette: Am I reading Section 2-d, oh, you are not off the hook yet, Don. Section 2-d correctly to say that you can have less than the formula number of parking spaces but you may not have more than the formula number of parking spaces and I'm very glad to see, that yes you can waive the striping. Am I reading that correctly?

Mr. Alair: Yes, you are.

Councilor Gillette: Thank you. The second question I had...

Mr. Alair: I would add to that though that you can't reduce below what you already have at the site.

Councilor Gillette: Right. On the site lighting shall not exceed one candle foot in any rear yard parking area or side yard and shall be regulated by the TP&Z pursuant to Section 177-42(a), first of all, what does it say in one 177-42(a) and what is one candle foot similar to?

Councilor Donatelli: Both of those are for you, Pat.

Mr. Foster: We are going to recommend to you eventually here that we have a broader, more comprehensive site lighting system but I think this is the best we could do right now.

Councilor Gillette: Okay.

Mr. Foster: The Council recently has been using foot-candles and we have had some actual studies that we reviewed as with the building permit. The parking lot for CVS down here on South Main Street is an average of one-point five-foot candles. That was in that whole commercial area that does directly abut residential areas. As a part of your study on this I would suggest you take a drive by there on a good dark night and you will see it is a very balanced intensity of light. It is not garish. It is not over done. You will see that it is a fairly rational number. We are going to be below that slightly. You don't agree with me.

Councilor Gillette: I think we need a nighttime field trip when we do some of the light ordinances because you don't really need to take a field trip, when the leaves are off the trees you can stand outside of Town Hall and see the lights at CVS, down the street.

Mr. Foster: At CVS?

Councilor Gillette: Yes and from the sign.

Mr. Foster: And that probably is going to be part of our learning curve if we do decide to move to a more higher level of regulation on site lighting which I think is worthy of some good study and something you have to take some time with but here we are dealing with something we thought we should get a control in here.

Councilor Gillette: Okay. There is no timing set on this. Is that something that the Planning Commission would talk with them about as part of the special permit?

Mr. Foster: It would be permissible within the special use permit procedures that they would have when they authorize the use, yes.

Councilor Gillette: That they could say you have to turn your lights off at nine.

Mr. Foster: Yes, it is a neighborhood compatible thing. I think they could put hours of operation on the business as well as the site lighting, yes, definitely.

Councilor Gillette: Okay, and that is where that would fall. Thank you.

Mr. Foster: My guess would be what we would be talking about most of the time with this residential character building is going to be small, low level bollards. We are not talking commercial fixtures at fifteen feet with shoeboxes on top. It is going to be very low, just a small flood that will light areas around places where you come out of the building and then go to the lot at the rear.

Councilor Gillette: A glow as you come in, right?

Mr. Foster: 95 South Main Street, the residential building down there, the office building at the corner of Boulevard and Main has some of those little bollards in the back and we can get a look at those too and get an idea of what we might have happen here.

Mr. Alair: And just for purpose of the record, 177-42(a) is the special use permit permission.

Councilor Gillette: Okay. So that these will all be reviewed by someone as to these particulars and it won't be us.

Mr. Alair: That is correct.

Mr. Foster: 177-42(a) that is the special permit procedures, requires a public hearing by the Planning Commission and findings of compatibility, appropriateness with the neighbors and so on and the findings are very general but what we have here is going to test that very specifically.

Councilor Gillette: Thank you.

President Bouvier: Any further comments or questions? Mr. Donatelli.

Councilor Donatelli: I asked this in committee. Is there a problem putting a time limit on the lighting so that by default it is in there and it would take action by the TP&Z to extend that rather than them having to take action to limit it?

Mr. Foster: There is no reason why the Commission didn't suggest that or I don't think we really thought about that being a significant problem. If the Council's will is to add some time limit on there I don't think there is any problem at all.

Councilor Donatelli: And by default it would be at whatever, 9:30 or 10:00 and then the TP&Z would take action if necessary....

Mr. Foster: Most professional office buildings that lighting is going to be important during the winter when it gets dark at 5 o'clock rather than right now because if we had a 9:00 o'clock shut off the lights would never come on at this time of year.

President Bouvier: Mr. Shulansky.

Councilor Shulansky: Through you, Mr. Mayor, would that represent a significant change or substantive change?

Mr. Alair: I wouldn't think that would be a substantive amendment. You are already changing the lighting requirements. You would simply be putting a time limit on the changed requirement.

President Bouvier: Any other questions?

Councilor Donatelli: That would be done during the meeting, an amendment?

Mr. Alair: Yes, during your debate.

President Bouvier: There is no sign up sheet. We will close this public hearing.

The hearing adjourned at 7:08 p.m.

Norma W. Cronin
Town Clerk/Council Clerk