



STAFF REPORT

Application: PZC-19-010 (Zone Change)
PZC-19-011 (Special Permit)
Application Type: Zone Change – R-2 to C
Special Permit – Assembly Hall in C Zone
Location: 49 Oakum Dock Road
Map 02/ Block 9A/ Lot 4
Date: October 2, 2019

This staff report is offered as follow-up to previous information provided. Please see the Staff Report dated September 4, 2019 for a more in-depth analysis of several points of the application. It is of utmost importance for the Commission to be aware of what is being asked of it, and the comments received thus far. This report is separated into two distinct portions, one referring only to the Zone Change request, the other to the Special Permit Application.

Zone Change (PZC-19-010): As has been discussed, the zoning history of this property has been the topic of much discussion. Please see the Zone Change Timeline memo that I provided on September 4. It has been stated by the applicant that they are requesting a zone change to “*change it back to commercial following the error/mistake that occurred in August/September 1990.*” It is important to note that while the zone was changed in 1955 to Commercial, the map adopted three years later in 1958 showed the property as being in the Industrial Zone. It remained in the Industrial Zone until 1990. Had the map not been changed in 1990, this property would still be in the Industrial Zone which does not allow for Places of Assembly.

Excerpt from CGS 8-3: “*In making its decision the commission shall take into consideration the plan of conservation and development, prepared pursuant to section 8-23, and shall state on the record its findings on consistency of the proposed establishment, change or repeal of such regulations and boundaries with such plan.*”... “*Whenever such commission makes any change in a regulation or boundary it shall state upon its records the reason why such change is made.*”

Staff Comment: For its decision, the Commission should consider the future land use plan and the POCD as a whole. The September 4 memo discusses topics in the POCD and includes the future land use plan and excerpts from the State POCD. In addition, the Commission should consider any potential impacts, positive or negative, to the Town as a whole. While it is important to consider the surrounding neighborhood and adjacent land uses, the Commission should also consider whether the proposal provides a benefit to the Town overall.

As a result of a protest signed by the majority of surrounding landowners of property within 500 feet of the proposed zone change, it can only be approved by a two-thirds majority of all members of the Commission (5). If the Commission finds in favor of the Zone Change, it must state a reason for approval on the record.

If the Commission does not approve the zone change, it is recommended that a reason for denial be stated on the record. Such a statement would provide an understanding for the applicant and for future Commissions as to why the change was denied.

Special Permit (PZC-19-011): If the Commission approves the Zone Change, it must then consider the Special Permit request. If the Zone Change is denied, then the Special Permit must be either denied for the reason that it is not an allowed use in the R-2 Zone or withdrawn by the Applicant.

Please see my Staff Report dated September 4, 2019 for several suggested conditions of approval.

In addition, it is recommended that suggestions of soundproofing made by the Applicants Sound Engineer be included as a condition of approval. These suggestions include thick insulation, joint sealant, sound absorption panels and installation of automatic door closers on all exterior doors.

Minutes from the Design Review Board meeting are included for your review. In addition to the planting plan, modifications to the lighting plan were discussed which included full cut-off lighting and any new light structures be less than 17 feet off grade as required in the regulations.

As stated in my previous memo, the current Site Plan shows the required vegetated buffer partly on the Town road right-of-way. This should be revised to provide for adequate buffering entirely on the applicants property.

There has been no follow up to the requested changes from Chatham Health District to this point. Please see the memo from Steve Knauf, Chief Sanitarian, dated September 3, 2019.