



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING & ZONING DEPARTMENT
www.danbury-ct.gov

(203) 797-4525
(203) 797-4586 (FAX)

To: City of Danbury Planning Commission
City of Danbury Zoning Commission

From: Sharon B. Calitro, AICP, Planning Director *SBC*

Date: August 11, 2021

Re: Petition to Amend the Zoning Map, 29 Federal Road, LLC c/o J.A.R. Associates
Tax Assessor Lot Nos. K11123, K11125, K11126, K11127
21, 29, 33-35, and 39 Federal Road, respectively

We have received a petition from 29 Federal Road, LLC c/o J.A.R. Associates to rezone four parcels of land fronting on Federal Road from IL-40 to CG-20.

The petitioner provides its reasons for said request in a letter from Attorney Thomas Beecher, dated July 13, 2021.

The four subject parcels comprise 1.655 acres. The area requested to be rezoned totals 2.301 acres as it includes approximately 0.646 acres of land located within the right-of-way of Federal Road. The CG-20 Zoning District boundary is currently located in the middle of Federal Road since parcels on the opposite side of the road are zoned CG-20. Three of the parcels are owned by the petitioner. The fourth parcel, Tax Assessor Lot No. K11127, is owned by Robert Schmus. He has submitted his consent to the petition.

On the west side of Federal Road, across from two of the subject parcels, there are two large properties owned by Ingersoll Property Holdings Land, LLC that are zoned CG-20. South of those two properties there are ten other properties on Federal Road and two fronting on Morgan Avenue, all of which are zoned IL-40. At Morgan Avenue the zoning district changes, on both sides of Federal Road, to the CG-20 Zone. To the north of the Ingersoll properties is the property of HARTransit which is zoned IL-40. Then, further north on Federal Road, properties again are in the CG-20 Zone. On the east side of Federal Road south of the subject parcels there are three additional IL-40 zoned parcels before the Morgan Avenue transition to the CG-20 Zone as noted above. Directly north of the subject parcels there is just one small triangular lot owned by the Maybrook Railroad (or the State of Connecticut) that is zoned IL-40. Adjacent to this small parcel to the east is the Maybrook Railroad Company land, ½ of which is zoned IL-40 and ½ of which is zoned IG-80. Further east, land is zoned IG-80.

On Assessor Lot K11123 there is a package store and several storage buildings. On Assessor Lot K11125 there is a structure that was formerly occupied by F&M Electric showroom and warehouse and now contains a mix of uses. Assessor Lot K11126 appears to be occupied by industrial warehouses. Cruisers Motorsports

LLC, with a general repairer's license, is located on Assessor Lot K11127. Only two of the four lots proposed to be rezoned (K11123 and K11125) meet the minimum lot size requirements for the CG-20 Zone. All lots are undersized for the IL-40 Zone.

Rezoning would allow changes in use on all the lots to any use allowed in the CG-20 Zoning District, subject to approvals. Staff notes its concern with a possible future change of use on Assessor Lot K11127 which would allow for automotive sales. In addition to the lot being undersized, its shape and location renders access for an automotive sales facility (or any other retail facility for that matter) more challenging than one might anticipate is the case for the existing auto repair facility. There are other General Use Regulations related to lot dimensional requirements that render all the subject parcels nonconforming in one aspect or another regardless of the zoning designation.

Plan of Conservation and Development (“POCD”)

The POCD Land Development Plan map designates the subject parcels as mixed light industrial/office and transportation. Therefore, rezoning to a CG-20 Zone is inconsistent with the Plan Map. The map does not however, reflect changes in zoning district boundaries that have occurred since 2002, including rezoning of the Ingersoll properties from IL-40 to CG-20. Over time, the uses on the subject parcels, and others within the pocket of the IL-40 Zone, appear to have changed to more of a commercial/retail nature.

The subject parcels are located within, absent the railroad right-of-way, a pocket of approximately 6.65 acres of IL-40 zoned land, excluding the Federal Road right-of-way. Rezoning the subject parcels would extend the CG-20 Zone while simultaneously reducing the remaining pocket of IL-40 zoned land. Rezoning would be consistent with zoning directly to the west and further north along Federal Road (page 14). If rezoned and commercial development or changes in use are proposed, opportunities may exist to provide more attractive and safer parking lot layouts (page 14). Rezoning of 1.655 acres of IL-40 zoned land does not represent a significant loss of industrial land. Considering parcel sizes, dimensional limitations, and existing uses, the CG-20 Zone may be a more appropriate zone.

Zoning Regulations Section 10.I.3 Zone Change Criteria

Per Section 10.I.3 of the Zoning Regulations, there are both general and specific zone change criteria to be considered when contemplating a zone change. As noted in this section, “the location, extent, and configuration of the various zoning districts within the City of Danbury are intended to further the objectives of zoning as set forth in Section 8-2. of the General Statutes of Connecticut, which objectives include but are not limited to protecting the public health and general welfare, providing convenience, protecting property values, limiting congestion in the streets, and providing safety from fire, panic, flood, and other dangers. Zones should be located with reasonable consideration given to (1) the suitability of the site for the particular uses allowed in the proposed zone, (2) the compatibility of uses allowed within the proposed zone with the surrounding area, (3) the present and future needs of the City for additional lands to be zoned as proposed, and (4) the impact which may be caused by reducing the amount of land in the City zoned for certain uses as a result of the change to a new zoning district. Zoning district changes should be determined with a view toward encouraging the most appropriate use of land throughout the City.”

If rezoned, any of the general commercial uses, whether permitted or special exception, would be allowed on the parcels to the extent a design could be accommodated. As noted, dimensional standards of each lot render development in either zone challenging. The area does contain a mix of uses. Over the past several years, the CG-20 Zone has been extended into the pocket of IL-40 zoned land, particularly with the rezoning of the Ingersoll properties. General Criteria (3) and (4) are inconsequential as to each district as the sum total of land to be rezoned is relatively small.

Specific Criteria for highway commercial districts include the following:

- (a) *Consideration should be given to the ability to buffer commercial development from adjacent residential areas and to avoid the necessity of routing vehicular traffic to the site through neighborhoods.* There are no adjacent residential areas.
- (b) *Sites should be adjacent to collector or arterial streets and highways, with consideration given to the impact of such development on traffic safety and congestion on abutting and nearby roads and the feasibility of undertaking improvements as may be necessary to limit such impacts to acceptable levels.* The parcels are accessed from Federal Road, an arterial street. Improvements may be required for any change in use.
- (c) *Sites should be limited to those which are or will be served by public sewer and water service and where adequate capacity will be available for the uses allowed in the proposed zone.* The subject parcels are not served by either public water or sewer services. The nearest possible connection to public water appears to be at the Ingersoll driveway. There is no public sewer in this portion of Federal Road.
- (d) *Development of slopes in excess of 15 percent should be avoided.* Properties are either relatively flat or already improved. Each subject parcel borders railroad property.
- (e) *Sites which contain a preponderance of wetlands and sites which lie within public water supply watersheds should be avoided.* Each lot is already developed. Any site improvements would be assessed for potential impacts, if any. Parcels are not within the public water supply watershed.

Conclusion

These parcels represent a small portion of a pocket of IL-40 zoned land bordered to the north and south along Federal Road by land zoned CG-20. Over the years, properties along Federal Road have been rezoned from IL-40 to CG-20, representing the changing commercial character of the corridor. Staff notes that some land uses on lots in the area are clearly more industrial in nature and should maintain their industrial zoning district designation. All subject parcels are undersized for the IL-40 Zoning District, and two are undersized for the proposed CG-20 Zoning District.

The Planning Commission shall include in its report to the Zoning Commission a statement of findings on the consistency of the proposed zoning change with the Plan of Conservation and Development and the reasons for its findings. To approve the petition and amend the Official Zoning Map, the Zoning Commission must find that it has considered the POCD as required by state statutes and that the rezoning meets the zone change criteria requirements of the Zoning Regulations. Rezoning should result in the use of land that is in the best interest of the City and will not detrimentally impact the health, safety and welfare of the public.

C: Jennifer Emminger, Deputy Planning Director
Robin Edwards, Assistant Corporation Counsel
Thomas Beecher, Attorney for the Applicant