

TOWN OF MONTVILLE
Department of Land Use & Development
Prepared by Meredith Badalucca 10/9/24

Property Address: 480 Route 32 Parcel ID: 074-002-000
Application: 24SITE7
Property Owner: **KDS Realty, LLC**
Principal, Sudesh Kumar
Applicant: Same as Property Owner
LS/PE: Boundaries LLC, John Faulise Jr. LS, David McKay PE
Lot Size: 0.92 Acres
Lot Frontage: 190 +/- feet on Norwich-New London Turnpike (CT Route 32).
Zoning District: C-1 (Commercial) and Route 32 Overlay Zone (OZ).
Public Water/Sewer: Yes, existing connection
Flood Hazard Zone: No
CAM Zone: No
Public Water Supply Watershed: No.
Proposed Public Improvements: Applicant is proposing to use the existing curb cut that served the previous retail and multi-family use. No modifications or improvements are proposed to the existing curb cut nor any work within the DOT right of way.
Site Restoration Bond: \$9,800 to cover the costs of specified erosion control measures and site stabilization.
Legal: Submitted to Land Use Dept. on 10/8/24. Date of Receipt by PZC 10/22/24, Decision Required Date – 12/26/24.

Proposal: Improvements to support veterinarian office space with building addition for accessory indoor kennel to support overnight stays from surgery. Three apartment units on second and third floors will also be renovated.

Background:

- November 1981 - Zoning permit for “rehabilitation of a garage for physician’s home occupation”
- May 1985 – Zoning permit for “Sign for health center (to serve the parking requirements of the renovated existing building to medical center (1st floor))”
- August 1985 – Special Permit for “Accessory parking facilities in connection with medical offices (walk-in-clinic)”
- August 1985 – Zoning permit for “Medical office on 1st floor and maintain residential units above”
- August 1988 – Zoning permit for “Office Storage addition to existing building – 321 sf”
- February 1999 – Zoning permit for “Free Standing sign 12’ Tall, 4’ x 8’ Backus Health Center, ConnCare, Inc.”
- February 2007 – Zoning permit for “Retail 1st floor only (Affordable Fabrics)”
- August 2016 – Zoning permit for “Conversion of 2 2nd floor apts to retail” NOTE: there were no associated building permits for this conversion and no ZEO inspection report associated with a CZC.

Staff Comments/Review:

This property is located in the C1 zoning district and is included in the Route 32 Overlay Zone. The C1 zoning district Zoning Regulations (ZR) section 10.2.3 list business and professional offices as a permitted use. Our ZR do not define professional offices. The definition provided by American Legal Publishing is as follows: ““Professional Office” means an office of a practitioner or practitioners of a specific occupation, vocation or calling in which a professed knowledge of some department of science or learning, not purely commercial, mechanical or agricultural, is used in its practical application to the affairs of other, either by advising or by guiding them in serving their interests or welfare. Such uses includes, but are not limited to, office of medical doctors, dentists, engineers, surveyors, city planners, lawyers, real estate brokers, insurance agents, architects, landscape architects, optometrists, and chiropractors, and other like and similar uses.” Law Insider defines professional office as “Professional offices means an office maintained and used as a place of business by individuals in licensed professions and generally recognized professions which utilize training or knowledge in the mental disciplines as distinguished from occupations primarily oriented to manual skills or the handling of commodities.”

C1 zoning district ZR section 10.2.8 permits Apartments located in space not occupied by the primary commercial use on the property provided they are not at ground level. Multiple Use and Buildings ZR section 4.10.1 states “The Commission may permit more than one principal building or use to be located and conducted on a lot under the same ownership or sponsorship for multi-family, commercial, industrial, recreational, institutional, governmental, educational and farming purposes. Such buildings or uses shall be planned as a unit, with integrated parking, access, building design and landscaping and shall meet the requirements of these Regulations.”

Multi Family Dwellings ZR section 4.11.5 was also reviewed by staff for compliance with this application as well as the definition of “kennel”.

ZR Section 4.11.5.5 states “Sidewalks abutting any street, driveway, access or interior circulation road on which the development is located **may** be required by the Commission if (1) such sidewalks interconnect with existing or proposed sidewalk system on the adjacent street and (2) the project is located within 1,000 feet of an existing commercial center, school or place of public gathering All sidewalks shall be privately owned and maintained.” There are currently no sidewalks on the adjacent street in the area of this parcel. Therefore, staff feels this section is not applicable.

Kennel is defined as “A commercial operation, open and/or enclosed, in which a total of four (4) or more pets limited to dogs or cats, are kept for breeding, boarding, grooming, or medical attention.” The applicant is proposing 3 kennels to be used for patients recovering from procedures and will not be used for boarding, either regular or medical. Therefore, ZR section 4.11.7 Kennels is not applicable to this application.

Our ZR do not require any landscaping for parking lots less than 80,000 sf. The parking lot area for the proposed project is 10,500 sf. The applicant has provided landscaping requirements as shown on the plan on sheet 2 even though they are not required to do so. The applicant also shows on the plan the removal of a paved area to the east of the property that appears to have been used over the years to access the property from the adjacent property that is under a different ownership.

The applicant is requesting a determination of applicability per ZR Section 17.5 from the Commission for ZR section 17.4.15. The Commission will need to determine if this site plan ingredient is necessary or required to reach a decision on the application.

ZR section 17.4.15: "The stormwater drainage system, including the location and evaluations of all existing and proposed street drainage facilities within one hundred feet (100') of the property. The Town Planner or Town Engineer may require additional information and / or details regarding off-site drainage features affected by, or impacting upon the proposed development. Stormwater management systems shall be designed in accordance with the 2004 Connecticut Stormwater Quality Manual as may be amended from time to time."

The applicant states: "Evaluation of the stormwater drainage system on-site and within 100 feet of the property has not been completed. The proposed site plan results in no increase in impervious coverage and will not change runoff patterns or increase flow rates. Drainage from the site will continue to be served by the existing catch basins and connection to the Route 32 drainage system.

Staff Technical Review Comments:

Application:

1. Clarify square footage of 3rd floor apartment.

Plan:

1. Sheet 3, Narrative last paragraph, please revise to include. "Construction is scheduled to start upon issuance of zoning permit for site plan approval and will....."
2. Sheet 3, Operation & Maintenance of Erosion Controls, first paragraph, please revise to include: "No construction shall proceed until proper sedimentation and erosion control methods have been installed *and approved by the Zoning Officer* as the sequence of construction necessitates.

Agency Comments:

Town Engineer:	Pending
Fire Marshal:	Pending
Building:	Pending
WPCA:	Pending