

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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JULY 26, 2022

MEMBERS PRESENT: Bart Pacekonis, Stephanie Dexter, Steve Wagner, Alan Cavagnaro, Michael LeBlanc

ALTERNATES PRESENT: Atif Quraishi, Carolyn Carey

STAFF PRESENT: Michele Lipe, Director of Planning; Lisa Giroux, Recording Secretary; Michael Lehmann, IT Support

PLEDGE OF ALLEGIANCE

Secretary Wagner read the legal notice into the record.

Chairman Pacekonis appointed Alternate Commissioner Carey for Commissioner Vetere

CALL TO ORDER:

PUBLIC HEARING/ COUNCIL CHAMBERS- 7:00 P.M:

1. **Appl. 22-20P, The Golden Lampstand Temporary and Conditional Permit** – request for a 2 year temporary and conditional permit to establish a small parking area with gazebo for periodic church gatherings, on property located at 401 King Street, RR zone

Peter DeMallie of Design Professionals presented the application on behalf of the applicant. Mr. DeMallie summarized the proposal, which is to establish a state-wide center for small, periodic gatherings for their eight Christian Congregations located in Connecticut; and to be used until the Ministry Village Vision is complete. The parcel, located at 401 King Street, contains nine acres. This proposal consists of a 24 foot wide gravel driveway, nine gravel parking spaces, one paved handicap parking area, a 10'x13' gazebo and a 10'x10' storage building. The total amount of disturbed area is estimated to be about 15,000 square feet, which will be loomed and seeded.

Director of Planning Michele Lipe read the Planning Report:

1. Request for a two-year temporary and conditional permit for the Golden Lampstand Association for an access drive, parking lot, gazebo, shed and portable toilet on property located at 401 King Street, Rural Residential zone. This property is currently a vacant lot.
2. The wording of the T&C permit regulation is that, "Temporary and conditional permits may be granted by the Commission for a period not to exceed 2 years. Such approval may be given after a public hearing if, in the judgment of the Commission, the public convenience and welfare will be substantially served, and the appropriate use of neighboring property will not be substantially or permanently injured, and traffic and other hazards will not result from such use."
3. The applicant has provided a site layout showing the location of the access drive, parking lot for nine (9) cars, 10' x 13' gazebo, 10' x 10' shed and portable toilet.
4. The applicant would host small, periodic gatherings of members at the site.
5. Any approval granted by this Commission must be subject to meeting building and fire codes.

Ms. Lipe stated that if this application is approved, there are no other planning modifications requested. Ms. Lipe also commented that the driveway cannot be steeper than 15%, and that 10% was suggested. The plan accommodates the requested driveway grades. Ms. Lipe also discussed the Town Engineers comments which are addressed on the plans, concerning a limit of clearing including the removal of any significant trees to be shown on the plan, particularly within the Town right-of way.

Chairman Pacekonis asked for public comment. No public comment.

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Chairman Pacekonis asked for Commissioner comments.

Commissioner Quraishi asked about lighting in the parking area.

Commissioner Cavagnaro questioned security or monitoring on the site and Mr. DeMallie answered that they would consider adding a chain at night to discourage trespassing.

Commissioner Wagner questioned the future development of the site and Ms. Lipe answered that if and when the conditional permit comes up for renewal, consideration will be made on whether the site has operated properly or not.

Chairman Pacekonis closed the public hearing at 7:22pm.

2. **Appl. 22-25P, Miracle World Outreach Ministries Temporary and Conditional Permit**- - request for a 2-year temporary and conditional permit (Section 2.13.a) to allow a church use with limited hours, on property located at 400 Chapel Road, Unit 2A, I zone

William Mitchell and Pastor Patrick A. Ritchie of Miracle World Outreach Ministries summarized the application requesting permission for after hour's utilization. Presently, the Ministry has nine members and provide counseling as well as pantry services. Meeting hours are currently Sunday 9:30-11:30am and Tuesday 6-7:30pm for an eight person Bible Study. The Ministry is hoping to help more members of the community with their extended hours.

Director of Planning Michele Lipe read the following report:

1. Request for a two-year temporary and conditional permit for Miracle World Outreach Ministries to hold church services on property located at 400 Chapel Road, I zone. This property currently has three buildings on site, with a total of 35 individual condominium units. The applicant is proposing to occupy Unit 2A.
2. The wording of the T&C permit regulation is that, "Temporary and conditional permits may be granted by the Commission for a period not to exceed 2 years. Such approval may be given after a public hearing if, in the judgment of the Commission, the public convenience and welfare will be substantially served, and the appropriate use of neighboring property will not be substantially or permanently injured, and traffic and other hazards will not result from such use."
3. The current approximate size of the congregation is fifteen (15) members, with future growth expected to reach a maximum of fifty (50) members.
4. The applicant has provided a site layout showing the unit location and three (3) parking spaces dedicated to the Ministry employees.
5. The church would conduct services on Tuesday and Thursday evenings from 6:00 pm – 8:00 pm, Sunday mornings from 9:30 am – 11:30 am, Sunday evenings from 6:00 pm – 8:00 p.m. and Saturday's as scheduled for special events. All weekday services would take place after the close of business hours. There will be no funeral services conducted due to parking constraints.
6. The fire marshal and building department have been contacted by the applicant regarding codes requirements for this assembly use.
7. The fire marshal has indicated that the unit occupant load shall be limited to forty-nine (49) people.
8. Any approval granted by this Commission must be subject to meeting building and fire codes.

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Ms. Lipe stated that if this application is approved, there are no other planning modifications requested and no Engineering comments. Ms. Lipe also commented that the Bissell Commons Association provided a letter authorizing the use of parking spaces during off hours and on weekends.

Chairman Pacekonis asked for public comment. No public comment.

Chairman Pacekonis asked questions about the parking lot lighting, bathroom facilities, and the nature of weekend events. Pastor Ritchie responded that they may allow access to the food pantry on Saturday mornings, there are lights on the facility for the Sunday evening services and that the inspector has approved the bathroom facilities.

Chairman Pacekonis closed the public hearing at 7:30pm.

3. **Appl. 22-21P, Leonard Zoning Text Amendment** – request to Modify Section 6.4.2B Minimum Required Parking Spaces with a break down for different restaurant types; and add to Section 10.3 Definitions to add Restaurant, Fast Food (small) and Shopping Centers

Peter DeMallie of Design Professionals reviewed the text amendment along with the applicant, Mr. Scott Leonard. Mr. DeMallie provided a field-work observation report showing use of car spaces at four nearby Subway stores in Connecticut during peak hours over a five day period (Exhibit A). Mr. DeMallie reviewed the definitions applicable to the application.

Director of Planning Michele Lipe read the following report:

1. This is a request for a zoning text amendment to request to modify Section 6.4.2B Minimum Required Parking Spaces with a break down for different restaurant types; and add to Section 10.3 Definitions of a small, fast food restaurant and define shopping centers.
2. The applicant's proposal would allow for small, fast food restaurants, 1600 sf or smaller or smaller, apply a ratio 1 parking space per 200 sf. when the restaurant is a part of a shopping center 15,000 sf or greater.
3. The applicant has also added other criteria under which this can be applied – and added definitions of both a small fast food restaurant as well as a shopping center.
4. The other partaking modification suggested would be to reduce parking requirement for restaurant and fast food restaurant to 1 space per 75 sf (from 1 space per 50 sf).
5. The Business Development section of the Town Plan has one of its goals for the town to “attract additional business development that is consistent with the character and scale of it surroundings with a strategy to maintain current business zones, with updates.”
6. The Capitol Region Council of Governments has reviewed the amendment as required and has offered the following report.

Ms. Lipe concurred with the concept of incrementally changing parking requirements for restaurants and stated that if this application is approved the Planning Department requests a minor change to the parking table relocating the Fast Food category to Restaurant, Fast Food. Ms. Lipe commented that the parking modification is in alignment with neighboring areas and that the Fire Marshal and Health Department agree that 16 patrons would be a maximum occupancy for the small, fast food restaurants. Ms. Lipe commented that CROG was notified, and read their report from June 10, 2022 finding no apparent conflict.

Chairman Pacekonis asked for public comment. No public comment.

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Commissioner LeBlanc agreed that some parking lot requirements may be excessive but commented that limited access parking may potentially pose an issue to some businesses on occasion.

Commissioner Wagner requested clarification as to the type of restaurant considered for the application as well as what would happen if the type of usage changed in the future. Ms. Lipe responded that should usage change in the future, then parking would be reevaluated.

Commissioner Carey questioned the number of parking spaces and Mr. DeMallie stated that per the square footage, they are recommending eight parking spaces.

Chairman Pacekonis addressed outside dining and his concern over parking spaces being used for this purpose. Ms. Lipe answered that regulations are in place for outside dining. Additionally, Chairman Pacekonis questioned the size of a typical Subway restaurant, in which Scott Leonard (owner of 1 Buckland Center) answered that the Subway restaurant located on Sullivan Ave is 1250 square feet. Chairman Pacekonis questioned if there were any parking spaces designated for pickup/delivery services such as DoorDash or UberEats and Mr. Leonard responded that they did not find a need for dedicated spots for those types of services. Chairman Pacekonis posed a question regarding how parking would be affected if another restaurant were to be opened in the plaza, and Mr. Leonard reiterated that parking allotment is determined by the nature of each tenant on site. Mr. DeMallie added that being on a septic system, this location was solely approved for having one restaurant. Chairman Pacekonis asked about the trash collection schedule on the site and Mr. Leonard answered that the trash removal is based on the number of tenants and concurred with Chairman Pacekonis regarding the removal of restaurant trash on a consistent basis. Lastly, Chairman Pacekonis voiced his concern over changing the regulations Town wide for all restaurants and Commissioner LeBlanc agreed, adding that the possibility of a future tenant change should be considered. Commissioner Wagner also agreed with keeping the Town wide text amendment separate from the approval of this application. Chairman Pacekonis clarified that there should be a differentiation between restaurants and small restaurants.

Chairman Pacekonis closed the public hearing at 8:10pm.

4. **Appl. 22-24P, Drake Motor Partners, LLC Buckland Road Gateway Zone Text Amendments**—add to Permitted Uses Section 4.2.5F to allow for the sale of new and pre-owned automobiles including servicing; modify Prohibited Uses Section 4.2.61 to allow for the sales and services of new and used vehicles that are electric; and add to Site Appearance Requirements Section 4.2.9.1 to allow display up to 50 % of the site for news/used vehicles

Jon Hauser of Drake Motor Partners reviewed the proposed text amendment, stating that they are asking for the right to sell electric vehicles, service electric vehicles, and charge electric vehicles, as well as the right to sell solar products, batteries, and energy products. Mr. Hauser explained that Tesla Automotive is looking to move forward with this project and provided an overview of the company, stating that Tesla is interested in associating itself around brands found in this area such as Apple, Whole Foods, Nike, and Shake Shack. Mr. Hauser added that the industry is beginning to focus more on showrooms and that Tesla currently has two gallery stores in Connecticut used to educate consumers. Mr. Hauser stated that he is willing to remove sales from the language of the proposed change to acknowledge that state law prevails. Mr. Hauser explained that this proposed text amendment is not intended to be discriminatory towards the automotive industry.

Director of Planning, Michele Lipe read the Planning Report:

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1. This is a request for zoning text amendments to add to Permitted Uses Section 4.2.5F to allow for the sale of new and pre-owned automobiles including servicing; modify Prohibited Uses Section 4.2.61 to allow for the sales and services of new and used vehicles that are electric; and add to Site Appearance Requirements Section 4.2.9.1 to allow display up to 50 % of the site for news/used vehicles
2. Currently automobile dealerships are prohibited in the Buckland Gateway development zone – they are only permitted in the general commercial zone by special exception subject to the standards of Section 7.9.
3. As stated in the proposed text, the request would add the sale of new and pre-owned automobiles including maintenance of such as well as sale of energy products and solar products, and batteries. The sale of these vehicles would be limited to new and used vehicles that are: exclusively electric, do not have fuel tanks, do not use oil, and do not have combustion engines.
4. The applicant is also requesting to be allowed to display such vehicles in up to 50% of the existing parking stalls subject to review of additional landscaping and decorative pedestrian design.
5. The Business Development section of the Town Plan has one of its goals for the town to “attract additional business development that is consistent with the character and scale of it surroundings with a strategy to maintain current business zones, with updates.”
6. Staff primary concern is that with the dedication of 50% of the site to display that there is still adequate parking demonstrated for the uses on site/size of the building. Also, the PZC may want to require and display areas to maintain current lighting levels that have been established throughout the zone. If the Commission had specific site concerns, you may consider allowing this use by special exception and establish specific criteria by which the application could be conditioned.
7. The Capitol Region Council of Governments has reviewed the amendment as required and has offered the following report dated July 8th 2022 finding no apparent conflict.

Ms. Lipe noted that if this application is approved, the Planning Department requests a minor change, changing the reference from “city” to “town”.

Ms. Lipe also read into record a letter from Richard Carella, Town Attorney regarding the current State Law concerning Direct Automobile Sales (Exhibit B).

At 8:24 p.m., Chairman Pacekonis temporarily adjourned the meeting until 8:30 p.m. to allow the Commissioners time to read over Attorney Carella’s opinion letter.

At 8:30 p.m. the meeting was called back to order.

Chairman Pacekonis asked for clarification from Ms. Lipe regarding the local Zoning Board of Appeal’s role in regulating dealerships in Connecticut. Ms. Lipe clarified that dealers receive licensing approval from the Zoning Board of Appeals and explained that as part of the process ZBA looks for Planning & Zoning approval for the use in that location.

Chairman Pacekonis asked for public comment.

Commissioner Wagner read into record 4 letters of opposition from: Sarah Fryxell of the Connecticut Automotive Retailers Association, resident Lisa Rosati, resident Tim Shepard, and resident Christine McCann (Exhibit C).

No members of the public spoke in favor of the text amendment.

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Bob Selig, 112 Pheasant Way spoke in opposition of the text amendment as both a resident and franchise new car dealer.

Tyrrell Dabrowski, 74 Windy Hill Drive and of Hoffman Auto Group spoke in opposition of the text amendment.

Commissioner Dexter commented that twenty states, including New York and Massachusetts have passed bills allowing a manufacturer to consumer business model and welcomes that in our state as well.

Commissioner Wagner stated his concern over the broad definition of the term vehicle, and suggested the wording be changed to automobile and also stated his concern over allowing car dealerships in the Buckland Gateway Zone. Commissioner Wagner also discussed his visit to a Tesla dealer in San Antonio, Texas, commenting on the outdoor storage on site.

Commissioner Foley, Cavagnaro, and Quraishi asked questions and made comments. Some items discussed include storage at the facility, as well as the concern over the possibility of more dealerships being built within the Buckland Gateway Zone should this text amendment be approved. Mr. Hauser clarified that the purpose of the location would be to service existing Tesla automobiles, not for the sale of automobiles. Mr. Hauser also clarified that they would be dealing with electric automobiles only and stated that he would be willing to further define the term automobile. Mr. Hauser presented a photo from a Tesla location in Spokane, Washington, commenting that this location is most representative of the proposed location in South Windsor (Exhibit E). There was a discussion about the charging stations in the picture.

Commissioner Foley stated that he is in support of electric vehicles, but is concerned with allowing car dealerships in the Buckland Gateway Zone.

Commissioner LeBlanc concurred with Commissioner Foley about Buckland Gateway Zone and added that he is open for discussion for this in other areas of the Town.

Commissioner Cavagnaro questioned the roles of individuals who would be employed at this location.

Commissioner Quraishi also expressed his concern over other dealerships being brought into the Buckland Gateway Zone.

Chairman Pacekonis mentioned his concern over preserving the original goals of the Buckland Gateway Zone.

Chairman Pacekonis closed the public hearing at 9:32pm.

REGULAR MEETING/COUNCIL CHAMBERS:

CALL TO ORDER:

Commissioner Cavagnaro motioned to extend the regular meeting to 10:00 pm. Commissioner Carey seconded the motion and it passed unanimously.

PUBLIC PARTICIPATION: None

NEW BUSINESS: Discussion/Decision/Actions regarding the following:

1. **Appl. 22-20P, The Golden Lampstand T&C** – request for a 2 year temporary and conditional permit to establish a small parking area with gazebo for periodic church gatherings, on property located at 401 King Street, RR zone

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Commissioner LeBlanc motion to approve the application with the following conditions:

1. The Temporary and Condition permit will expire on July 26, 2024, and must be renewed prior to that time if the use is to continue.
2. All free standing signs and/or building signs (temporary or permanent) require the issuance of a sign permit before they are erected.
3. If there are buildings, structures, signs or other items that require a building permit or other Town approvals/permits, all such approvals or permits must be obtained prior to construction or use of the site.
4. Limits of clearing, including removal of any significant trees, shall be shown on the plans.
5. The design of driveway can not be steeper than 15% and it is suggested to be 10%. Spot grades for the driveway and parking areas shall be show on the plans.
6. Any areas disturbed shall be graded and reseeded.

Commissioner Wagner seconded the motion. The motion passed unanimously.

2. **Appl. 22-25P, Miracle World Outreach Ministries Temporary and Conditional Permit** - request for a 2-year temporary and conditional permit (Section 2.13.a) to allow a church use with limited hours, on property located at 400 Chapel Road, Unit 2A, I zone

Commissioner Cavagnaro motioned to approve the application with the following conditions:

1. The Temporary and Condition permit will expire on July 26, 2024, and must be renewed prior to that time if the use is to continue.
2. All building and fire codes must be complied with.
3. If there are buildings, structures, signs or other items that require a building permit or other Town approvals/permits, all such approvals or permits must be obtained prior to construction or use of the site.
4. All free standing signs and/or building signs (temporary or permanent) require the issuance of a sign permit before they are erected.
5. Per the Fire Marshal, the maximum capacity is 49 patrons.
6. The hours and operations for services are Tuesday and Thursday evenings, 6-8:00pm, Saturday 9:30-11:30am and Sunday from 6-8pm.

Commissioner LeBlanc seconded the motion. The motion passed unanimously.

3. **Appl. 22-21P, Leonard Zoning Text Amendment** – request to Modify Section 6.4.2B Minimum Required Parking Spaces with a break down for different restaurant types; and add to Section 10.3 Definitions to add Restaurant, Fast Food (small) and Shopping Centers

Commissioner Dexter motioned to approve the application with the following modifications:

The Planning and Zoning Commission finds that the zone text amendment is in conformance with the Town plan of conservation and development and the effective date of the zone text change for fast food (small) only is August 13, 2022. The definition for shopping center and small fast food restaurants would apply.

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Commissioner Wagner seconded the motion. The motion passed unanimously.

4. **Appl. 22-24P, Drake Motor Partners, LLC Buckland Road Gateway Zone Text Amendments**—add to Permitted Uses Section 4.2.5F to allow for the sale of new and pre-owned automobiles including servicing; modify Prohibited Uses Section 4.2.61 to allow for the sales and services of new and used vehicles that are electric; and add to Site Appearance Requirements Section 4.2.9.1 to allow display up to 50 % of the site for news/used vehicles

Commissioner Wagner motioned to approve the application. Commissioner Foley seconded the motion.

There was a discussion regarding this application not being in conformance with the goals of the Buckland Gateway Zone.

The motion was called. Commissioners Pacekonis, Carey, Wagner, Foley, LeBlanc, Cavagnaro and Dexter voted against the motion. No Commissioners voted in favor of the motion. The motion failed 0-7.

5. Determination of permitted use for a Vertical Self Storage Facility in the I291 Corridor Development zone

Peter DeMallie of Design Professionals summarized the Vertical Self Storage Facility Project.

Commissioner Cavagnaro motioned to extend the regular meeting to 10:10pm. Commissioner Carey seconded the motion and it passed unanimously.

Consensus of the Commission that this project is of reasonable, appropriate use for the zone per the letter submitted (Exhibit D).

BONDS: Callings/Reductions/Settings -None.

MINUTES: 6/28/22 & 7/12/22

Chairman Pacekonis provided revisions for the July 12, 2022 minutes. These minutes to be discussed at the next meeting.

Commissioner Wagner motioned to approve June 28, 2022 minutes. Commissioner Cavagnaro seconded the motion. The motion passed unanimously.

OLD BUSINESS:

APPLICATIONS OFFICIALLY RECEIVED:

1. **App 22-25P, Kebalo Office Temporary & Conditional**- request for renewal of a two-year temporary and conditional permit for the Kebalo Electric Company office located at 175 Wheeler Road, A-20 zone

OTHER BUSINESS:

CORRESPONDENCE/REPORTS:

ADJOURNMENT:

Commissioner Cavaganaro motioned to adjourn.

Commissioner Carey seconded the motion. The motion passed unanimously.

Meeting adjourned at 10:05 pm

Respectfully Submitted,

Lisa Giroux, Recording Secretary