

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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OCTOBER 13, 2015

MEMBERS PRESENT: Bart Pacekonis, Kevin Foley, Elizabeth Kuehnel, Frank Bonzani, Billy Carroll
(arrived at 7:45 p.m.)

ALTERNATES PRESENT: Stephanie Dexter

STAFF PRESENT: Michele Lipe, Director of Planning; Lauren Zarambo, Recording Secretary

APPLICATIONS OFFICIALLY RECEIVED:

1. **Appl. 15-51P, Nancy Palauskas dba Doggone Beautiful Dog Grooming** - request for renewal of a five-year major home occupation for a dog grooming business at 1162 Ellington Road, A-20 zone

PUBLIC HEARING / MADDEN ROOM 7:30 PM

CALL TO ORDER: Chairman Pacekonis called the Public Hearing to order at 7:30 p.m.

Commissioner Bonzani read the legal notice as it was published in the Journal Inquirer on Thursday, October 1, 2015 and Thursday, October 8, 2015.

Chairman Pacekonis seated Alternate Commissioner Dexter for Commissioner Wilson.

1. **Appl. 15-46P, Evergreen Walk Lifestyles Center Drive-Through Text Amendment** – request to add Buckland Road Gateway Zone “Section 4.2.5.E under Permitted Uses” to allow drive-through facilities subject to specific Design Standards listed; modify “Section 4.2.6.G Prohibited Uses” to delete the prohibition of Drive-through windows; and to add to “Section 10 Definitions” a Drive-Through definition (Continued from 9/8/15)

Mr. Paul Reinke, Director of Development for Poag Shopping Centers, managing agent for Evergreen Walk, continued the presentation for a drive-through text amendment introducing Mr. Bob Jones, tenant coordinator for Evergreen Walk, Ms. Elizabeth Maheu, general manager for Evergreen Walk, Mr. Brian Lade, leasing representative for the shopping center, and Mr. Tom Howley, co-owner of Howley Bread Group Ltd, a franchise representing Panera Bread.

Mr. Reinke stated fast food establishments are not permitted in the Buckland Gateway Zone and then described a Quick Service Restaurant (QSR) as a hybrid between a fast food and full service restaurant. The intention of the amendment is to allow Quick Service Restaurants as a permitted use in the Buckland Gateway Zone and to set forth design standards for drive-throughs at Quick Service Restaurants.

Mr. Reinke distributed supporting graphics to the Commissioners and described the criteria of the proposed amendment as safe circulation of traffic for vehicles and pedestrians; drive-through elements as complementary to the architecture of the building; limiting the drive-through to one menu board and one preview board, each not to exceed seven feet in height, and one clearance bar; canopy standards; and lighting standards. Screening for drive-throughs (Item ‘J’) was shown on the graphic distributed. No more than two queue lanes and a bypass lane would be permitted with 75% of parking designed to have no conflict with the queue lanes and pedestrian access. The service area and queue lanes shall be located 15’ from the property line of adjacent commercial uses and 50’ from residential. Headlights from vehicles shall be screened. Landscaping, curbing, striping, nine foot width of lanes and access were noted.

Criteria for Quick Service Restaurants was described as hot meals made to order; use part of multi-tenant building; table delivery of food with metal silverware, ceramic plates and dishwasher safe materials for patron’s use on premises; and that the facility must be part of a planned use development of at least 200,000 square feet of gross building area.

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Director of Planning Michele Lipe indicated her comments had been incorporated into the redline revision of the amendment.

Commissioner Bonzani read an email from Robert Dickinson, resident of Birch Road, into the record requesting a provision to allow bicyclists and pedestrians to be served at a drive-through window if it provided longer service hours than inside (Exhibit A).

No one from the public spoke for or against the application.

Commissioner Foley asked about the difference between quick service and fast food restaurants. Mr. Reinke described quick service as having hot meals made to order while fast food restaurants as having food waiting at fryers or warmers. Table side delivery of food is another level of service offered at QSR setting it apart from fast food restaurants and that a QSR must be a part of a multi-tenant building. Commissioner Foley noted how the Commissioners indicated at the last public hearing the importance of drive-through windows not being visible from Buckland Road. Mr. Reinke replied screening as shown in their graphic would be a requirement to getting a Certificate of Occupancy. Commissioner Foley noted the potential affect of the amendment on any property in the Buckland Gateway Zone and the importance of not seeing any drive-throughs along Buckland Road. He suggested switching the configuration of the building proposed. Mr. Reinke assured the Commission fast food restaurants will not step up to the criteria of a QSR.

Commissioner Carroll noted by determining zoning regulations for a specific site and expecting it to work for the rest of the Buckland Gateway Zone may open the door to unseen impacts on the area. He reaffirmed the Commission's concern to not have a drive-through window facing Buckland Road. Screening does not achieve the same end. Mr. Howley stated Howley Bread Group has created 16 Panera Bread restaurants in Connecticut over the last fifteen years. Growth in the restaurant industry is in quick casual dining with made to order, fresh, high quality food. There are presently four drive-through Panera restaurants which offer table service within the restaurants to give customers options.

Commissioner Dexter asked about the size of the proposed building. Mr. Reinke replied in the multi-tenant 7,000 sq ft building, Panera would occupy 4,100 sq ft, with 2,900 sq ft of additional retail in the building. Evergreen Walk in its entirety would fulfill the 200,000 sq ft requirement. Anticipated drive-through queuing times at Panera were discussed. Commissioner Kuehnelt asked if Panera would be constructing the building. Mr. Reinke stated they (Poag for Evergreen Walk) would be building the building and leasing it to tenants.

Chairman Pacekonis thanked the applicants for graphic images supplied to the Commissioners. He asked about queuing, turning radius', and whether amendment as written would allow two restaurants, side by side, with drive-throughs on both sides of the building. Director Lipe suggested adding criteria that only one drive-through shall be permitted per building. The Chairman voiced concern about amount of drive-throughs which could be allowed under the amendment and concern about the screening and its upkeep.

Commissioner Foley emphasized not to have drive-through windows facing Buckland Road and the future potential of screening to hide drive-through windows as written in the amendment. Speaking from the perspective of a professional landscape contractor, Commissioner Foley questioned the hypothetical affect of a change of management in the future with less interest in the upkeep of landscape. Ms. Mahue assured the Commission that the ownership of Evergreen Walk is proactive and invests in the property having planted 105 trees this year to replace problematic trees. Commissioner Foley acknowledged the commitment of Evergreen Walk but questioned what could happen in other parts of the Buckland Gateway Zone.

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Chairman Pacekonis questioned whether the proposed building met the architectural design requirements of the zone. Mr. Reinke stated they have a site plan application prepared to address those requirements. The Chairman shared the concerns of other Commissioners. Ms. Lipe stated a minimum distance requirement from Buckland Road might mitigate some effects. Mr. Reinke noted additional setback requirements from Buckland Road could be added to the amendment.

Mr. Lade empathized with the Commission's concerns and suggested berming added to landscaping as a solution. Commissioner Foley noted the site specific nature of the solution where the site's elevations would work in their favor but that the rise is opposite on the other side of the Buckland Road and would not work.

Director Lipe stated the screen row of arborvitaes shown has the appearance of hiding the building which is not the intent for the Gateway Zone especially at this particularly prominent corner vista of Evergreen Walk. Commissioner Foley complemented the applicant's presentation but asked for the building to be reconfigured and turned so that the front of the building faced Buckland Road. The Commissioner stressed the necessity of doing this once and doing it right for the benefit of their client and to assure there are no drive-throughs directly on Buckland Road.

Chairman Pacekonis and Director Lipe asked the applicant to look at the existing criteria for parking to be distributed around the building in the Gateway Zone.

Mr. Reinke offered a 35-day extension for their application to hold the public hearing open. The public hearing will be continued on October 27, 2015.

REGULAR MEETING / MADDEN ROOM

CALL TO ORDER: The Chairman opened the Regular Meeting at 8:47 p.m.

PUBLIC PARTICIPATION: none

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

1. Election of PZC Secretary

Chairman Pacekonis made a motion to nominate Commissioner Bonzani for PZC Secretary.

Chairman Pacekonis closed the nomination.

Having no opposition, the secretary casts one ballot for Frank Bonzani for Secretary.

2. Appl. 15-49P, Parks and Recreation Commission (on behalf of the South Windsor Food Alliance) Winter Farmers' Market – request for renewal of a 2-year temporary & conditional permit to allow a farmers' market weekly from October 31 through December 19, offering produce and other items such as vegetables, fruits, cheeses, meats, baked goods, soaps, and candles at the St. Margaret Mary's Church, 80 Hayes Road, A-20 zone

Director of Parks and Recreation Ray Favreau introduced Town Councilor Andy Paterna on behalf of the South Windsor Food Alliance who requested the renewal of their two year temporary and conditional permit and described the winter farmers' market.

Director of Planning Michele Lipe gave staff comments:

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1. Request for the renewal of a temporary and conditional permit for the winter farmers market sponsored by the Food Alliance located at St Margaret Mary's Church, 80 Hayes Road, A-20 zone. This permit was first approved on November 12, 2013.
2. The market runs weekly on Saturdays from 10 AM – 1 PM. Vendors leave by 2 PM.
3. The applicant is proposing to operate the market from October 31st through December 19th.
4. The market will feature items grown or produced by local farmers such as: vegetables, fruits, flowers, honey, cheeses as well as specialty products produced from local farmers' products. Live entertainment will be featured as well.
5. Parking for the event will be on-site.
6. Civic non-profit groups are allowed temporary signage on and off-site advertising special events. Temporary sign permits are issued by the Planning Department.
7. All health code requirements for vendors selling food or offering food samples must be met. The applicant will be responsible for ensuring that all necessary permits are obtained and submitted to the Health Department and to coordinate an inspection of the vendor booths prior to opening for the season.
8. 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."

If this application is approved, the Planning Department has no modifications to request.

Commissioner Kuehnel made a motion to approve with modifications:

1. The Temporary and Condition permit will expire on December 31, 2017.
2. The Health Department must be consulted and proper permits obtained for vendors selling or providing food at the market.
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. Future dates for the 2016 Winter Farmers Market must be submitted to the Planning Department.

.Commissioner Dexter seconded the motion

The motion carried and the vote was unanimous.

3. **Appl. 15-46P, Evergreen Walk Lifestyles Center Drive-Through Text Amendment** – request to add Buckland Road Gateway Zone "Section 4.2.5.E under Permitted Uses" to allow drive-through facilities subject to specific Design Standards listed; modify "Section 4.2.6.G Prohibited Uses" to delete the prohibition of Drive-through windows; and to add to "Section 10 Definitions" a Drive-Through definition

No action was taken. The public hearing is continued to 10/27/15.

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4. Request for Permit Extension for Quality Paving Co., Inc., 120 Strong Road, I zone (letter enclosed)

Mr. Kevin Charette, owner of Quality Paving Co., Inc. since 1996 showed a site plan and stated everything is pretty much completed for the site work except for the back corner. He cited financial concerns preventing him from completing work on the site and requested more time.

Director Lipe stated the site plan was approved in 2006. Typically site plans are approved for five years and can be allowed a five year extension. This site plan fell within the date range in which statutes allowed site plans to be extended to nine years. The Commission can extend this approval for another five years but there is concern with the site. Photographs were shown to the Commission and the Director suggested the site should be cleaned up before more time is granted for an extension.

Chairman Pacekonis stated he visited the site and asked where the sewer and piping stored on site would be installed as well as the fencing which is still crated. He asked about the shipping container at the rear of the lot. The site plan from 2006 required it to be moved. He also asked about the stumps on the property which Mr. Charette stated he needed to have hauled away. The Chairman noted various vehicles on site. Commissioner Foley stated he had just visited the site. Commissioner Carroll voiced concern that the site would return to a cluttered state. Chairman Pacekonis stated the Commission wants to express there is urgency to finish the improvements with an understanding about the pressures of the economy and looks for improvement on the site. Mr. Charette stated he will get the fence and catch basin installed.

Commissioner Carroll made a motion to approve a two year extension based on the Appl. 06-44P approval conditions.

Commissioner Kuehnel seconded the motion

The motion carried and the vote was unanimous.

5. Discussion regarding the use of Container Units on Residential Properties (continued from 9/29/15)

Director Lipe stated research of regulations found container units were allowed only on a temporary basis except in farming applications and suggested allowing them for farming use by temporary and conditional permit. There are not building code requirements for a single container unit but a structural engineer would be required by the building department if a number of container units were to be constructed together. A special exception / site plan was approved for Mr. Fraize's interior lot which would require a site plan modification if something else is proposed for the site.

Mr. Fraize showed on an aerial view and his original site plan where he would like to place the units. He showed photos of his property and stated he has a structural engineer who can make the units work together per the building code. The back side of the units would face Ellington Road.

The Commission concluded not to change the regulations but rather to handle container units by way of a temporary and conditional permit which would have to be renewed after two years in order for the unit to remain in place.

BONDS: Callings/Reductions/Settings

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OLD BUSINESS: *see page 2*

OTHER BUSINESS:

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CORRESPONDENCE / REPORTS:

ADJOURNMENT:

Motion to adjourn the Regular Meeting at 10:00 p.m. was made by Commissioner Foley
Seconded by Commissioner Dexter
The motion carried and the vote was unanimous.

Respectfully Submitted,
Lauren Zarambo
Recording Secretary