

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION REGULAR MEETING HELD ON TUESDAY, MAY 29, 2018, IN ROOM 207-209, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz III, Chairman; Members: Matthew Bowman, John Kardaras, Gil Linder, Louis Todisco.

Alternates: Robert Brucato, Robert Anderson

Absent: S. Woody Dawson, Edward Gaudio, Sean Stollo and Alternate Donald Walsh.

Staff: Town Planner William Voelker; Town Council Liaison David Veleber (entered meeting at 8:15 p.m.)

I. CALL TO ORDER

Mr. Kurtz called the regular meeting to order at 7:32 p.m.

II. ROLL CALL

The Clerk called the roll.

III. DETERMINATION OF QUORUM

Following roll call a quorum was determined to be present.

IV. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES: Special Meeting, 5/14/18; Public Hearing 5/14/18; Special Meeting 5/14/18

MOTION by Mr. Todisco; seconded by Mr. Anderson.

MOVED to accept and approve the minutes of the Special Meeting 5/14/18, Public Hearing 5/14/18, and Special Meeting 5/14/18 subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

VI. BUSINESS

1. Discussion on Pre-Application Review Process and Materials.

Mr. Voelker informed the Commissioners that he took the information/materials from the Town Attorney, put them into the review procedure document, and they were reviewed by Attorney Smith with no changes.

Purpose for Pre-Application Review – Mr. Voelker read the purposes into the record. He noted that the Commission does not take too much time in reviewing current

applications, some of which must go through IWW review, and the pre-review procedure will not reduce the time.

Pre-Application Procedures - Mr. Voelker read the process for the pre-application procedure into the record. He explained that this process could be at the beginning or end of a PZC meeting; it could take place at a Subdivision or Planning Committee meeting; or could take place at a time convenient for the applicant and the Commission.

When an application is submitted to the Commission there is a statutory time frame in place. With the pre-application review there is no time frame involved. Minutes and record for the pre-application process are limited and minimum, and the Planning Department will have a file on the subject application. Mr. Voelker pointed out that neither plans/ideas presented by a property owner, or Commissioner comments in the pre-application review, are binding in the event an application is submitted.

Pre-Application Review Form – this form comes under the provisions of CGS Section 7-159b, and Mr. Voelker read this section into the record. A meeting cannot be scheduled without completion of this form, and a \$50 fee is required by the 2004 Land Use Agencies Fee Schedule.

Mr. Voelker explained that he can meet with an applicant about an application. There can be the pre-application review procedure held, and he would write a staff report/narrative on the application. With the pre-application review, the applicant is seriously considering a project in town, and has done research and studies prior to submission of the pre-application.

MOTION by Mr. Brucato; seconded by Mr. Kardaras.

MOVED that the Planning and Zoning Commission authorizes the use of the "Pre-Application Review Procedure" as presented by Town staff and reviewed by the Town Attorney.

Discussion

Mr. Todisco stated this is a help procedure to be implemented by the Commission.

Mr. Kardaras commented on the procedure being in place for awhile, being reviewed, and changes made if necessary.

VOTE The motion passed unanimously by those present.

(a copy of the procedure and form is attached to these minutes)

2. Discussion on Plan of Conservation and Development Issues for Development of overlay district for the Highland Avenue Industrial Corridor.

Town Planner Voelker informed the Commissioners that if PZC wants to adopt an overlay district enabling commercial development in all or parts of the Highland Avenue industrial corridor, the 2016 Plan of Conservation and Development (POCD) must be amended. He read excerpts from his staff memo of May 22, 2018 into the record.

There are two concerns to be addressed within the POCD to enable any text amendments creating this Highland Avenue overlay district for commercial uses.

The first concern is the specific language in the 2016 POCD Industrial Section. Mr. Voelker read this section into the record.

A question was asked by Mr. Brucato regarding the POCD update, and any past discussion on diversification of the economic base.

Mr. Voelker replied that there should be another look at the Highland Avenue industrial corridor as the logical place for more commercial development.

Stating he is not in favor of changing zoning regulations, Mr. Kardaras said there is not much to be done that people cannot do now. He questions the advantage of changing regulations.

Mr. Voelker said someone could come in and propose a zone change, and he cited the fact that the lots on East Johnson are larger than those on West Johnson. There could be a proposal for a C-3 Zone on a piece of property anywhere on Highland Avenue. The proposed zone being discussed would be called a "Design District", which does not appear in a C-3 zone. The advantage with the overlay district is establishing rules for how to proceed if improvements are to be done. He stated the Commission sets the rules and conditions under which an application can be approved.

Just by having this district, Mr. Todisco said the Town is amenable to doing something in this district.

According to Mr. Voelker the zone is not changed first. In the amendments to the POCD the overlay district is established; public input is received; rules are established; the overlay district functions better than a C-3 district.

Mr. Kardaras believes the Commission has this authority and control now.

The Commission held a brief discussion about control and authority in place at this time.

Mr. Voelker said the difference is having more control, shaping it with specific language that it is a design outcome, and it being better to put into law what is meant.

Mr. Brucato stated the applicant can see this, and it is also a marketing tool.

Mr. Linder said with approval of a design district, an applicant must follow the rules, cannot request a zone change and ignore the design district.

Mr. Voelker said there could be a request for a C-3 zone, but he does not believe the Commissioners would vote in favor, as it would have something in place which is a tool...the design district. This is why there is a two-step process with the review procedure. He noted the overlay is on top of the I-1 Zone, and implementation of the overlay is the Highland Avenue Design District.

The C-3 zone is an important district with lots of tax dollars. With regard to the amount of town land affected by this overlay Mr. Voelker has to get this information for the Commission. Any changes in the POCD requires a public hearing.

Mr. Brucato talked about the I-2 area, user frontage and rear properties staying the same.

The Commission was told by Mr. Voelker that Highland Avenue has topographical problems and wetland problems. If the parcel is 15 acres, all 15 acres should be in the district. He cited the CL&P property which could be a commercial frontage property, with portions of the property being wetlands in front and in the back. An overlay shows the entire piece; this entire piece does not have to be used; and the piece can be designed according to individual properties. The thinking and intention is to have parcels with frontage on Highland Avenue.

Without splitting properties, Mr. Bowman likes the concept of one piece.

Mr. Voelker will prepare a staff memo with inclusion of maps from the regional agencies, and parcels with single ownership will be kept together. He said there are only a few large parcels. Nothing will go past Reinhard Road. On the east side there are many parcels, zoned I-C, never to be used as an industrial park. There would be one end user and small pad sites.

The second concern was cited by Mr. Voelker...it is the limited square footage of retail buildings within C-2 and C-2 districts to no more than 50,000 square feet. There is not much C-2 or C-3 property out there for retail development. To do the overlay district the square footage should be over 50,000 square feet.

Mr. Voelker's recommendation would be to also amend the square footage in other districts. He cited the Cheshire Stop & Shop at 66,000 square feet; Big Y is 49,000 square feet; and Stop & Shop has come down to 50,000 square feet for a new store. Whole Food stores want an urban profile, and would not be interested in Cheshire despite their distribution center located in Town.

Mr. Todisco asked if there is a large enough property in Cheshire to accommodate a Home Depot store.

There is no vacant C-2 and C-3 land, but Mr. Voelker said there are other properties where a 120,000 square foot store could be built. However, these properties have wetlands on top of them and problems.

Without having land for +50,000 square foot projects, Mr. Brucato questioned why the regulations would be changed.

It was explained by Mr. Voelker that for a commercial development the general rule is 10,000 square feet per acre, with a 60,000 square foot project requiring 7 or 8 acres. This provides flexibility to move things around and for additional tenants.

Mr. Voelker read the last paragraph of his staff report, and stated we are talking about significant policy change, and scheduling a public hearing at a convenient time for public input. He must meet with the regional planning staff for overlay district maps, review them with the PZC Commissioners for approval, and also discuss and review new POCD language to move forward.

If the Commission chooses to go forward with this process, it is Mr. Voelker's recommendation that a public hearing be set for September 2018. He will provide draft amendments to the POCD, and prepare maps showing where the proposed overlay districts could be implemented. This gives the Commission the ability to implement and adopt the overlay district. The time frame would be June/July authorization to proceed with amendments to the POCD, referring the matter to the Town Council, meet with regional agencies, and schedule public hearings for September. Once there is adoption, the Commission can proceed as quickly as it wants to for implementation.

Once the maps are in place, Mr. Kurtz stated the project application stays within the design district.

Mr. Bowman pointed out Sandbank Road with the same owner with all different parcels.

This property was looked at, and Mr. Voelker said it may make sense to include some other properties. The maps will be drafted for Highland Avenue, with inclusion of some properties and not other parcels. There must be thought about contiguity of parcels, not specific owners. Some owners may not want their property included in the Highland overlay. At a public hearing property owners will have the right to speak. The decision

on the overlay zone is the decision of the Commission. Property owners can appeal. There are not many non-conforming parcels in the Highland area...only about six (6).

Mr. Kurtz talked about Route 10 which has the traffic for the retail business and development. He said East/West Johnson Avenue does not have that.

Mr. Voelker stated that there was no analysis of anywhere else in town...only Highland Avenue.

If the Highland overlay goes through, Mr. Linder asked about any other areas that could be considered for overlay districts.

The Commission was told by Mr. Voelker that the genesis for this came from the Arnett Muldrow report (through EDC), and the only discussion has been about Highland Avenue.

Mr. Linder commented on the West Johnson/Knotter Drive area with huge parcels and tremendous lawns, and questioned whether this would be done in this day and age.

Mr. Bowman note there are tons of wetlands in this area, and these types of lawns are passé.

MOTION by Mr. Brucato; seconded by Mr. Anderson.

MOVED that the Planning and Zoning Commission authorizes Town Planner Voelker to prepare maps and proposed text amendments to the 2016 Plan of Conservation and Development for consideration by the Commission.

Discussion

The Commissioners agreed there would not be a public hearing scheduled earlier than September 2018.

VOTE The motion passed unanimously by those present.

VII. NEW BUSINESS

TABLED APPLICATIONS:

- a. **Zone Text Petition Application**
Planning and Zoning Commission
To amend Section 45B Interchange Special Development District of the Cheshire Zoning Regulations
Proposed elimination of the minimum acreage requirement.
PUBLIC HEARING JUNE 11, 2018

- b. **Zone Text Petition Application**
Planning and Zoning Commission
To amend Section 48 Interchange Zone
of the Cheshire Zoning Regulations
Proposed to eliminate the 10 acre requirement
In favor of a 3-acre minimum.
PUBLIC HEARING JUNE 11, 2018

- c. **Special Permit Application**
James A. Fazzone Developers LLC
1635 Highland Avenue
Self-Storage Facility
PUBLIC HEARING JUNE 11, 2018

- d. **Site Plan Application**
Macy's Corporate Services Inc.
475 Knotter Drive
Rehabilitation of existing paved parking lots
And driveways and gravel to paved lot to the
South of the warehouse.
PUBLIC HEARING JUNE 11, 2018

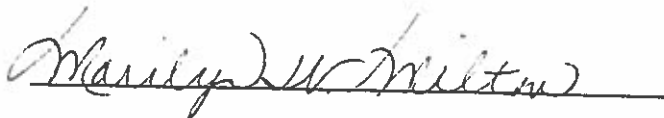
VI. ADJOURNMENT

MOTION by Mr. Kardaras; seconded by Mr. Brucato

MOVED to adjourn the special meeting at 8:45 p.m.

VOTE The motion passed unanimously by those present.

Attest:



Marilyn W. Milton, Clerk

Respectfully submitted,



Gilbert Linder, Secretary
Cheshire Planning and Zoning Commission

To: Cheshire Planning and Zoning Commission
From: Planning Staff
Re: Draft Amendments to the Cheshire Plan of Conservation and Development
Date: May 22, 2018

If the Commission wishes to adopt an overlay district enabling commercial development encompassing all or parts of the Highland Avenue industrial corridor, then amendment of the 2016 Plan of Conservation and Development should occur in order to make a positive finding of compatibility with the Plan in accordance with Section 8-3 (b) of the Connecticut General Statutes. This section states that “regulations and boundaries shall be established, changed or repealed only by a majority vote of all the members of the zoning commission, except as otherwise provided in this chapter. 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.”

Staff has reviewed the Industrial and Commercial sections of the 2016 Plan of Conservation and Development (POCD) and there are two concerns that should be addressed within the POCD to properly enable any text amendments creating an overlay district to permit commercial uses within the Highland Avenue industrial corridor.

The first concern is overcoming the specific language of the Industrial Section of the 2016 Plan which reads:

One other important policy consideration to remember in the overall is that industrial properties cannot be easily replaced, in part because they are so dependent upon highway and utility infrastructure, and because the range of uses that are allowed within these districts are inappropriate for many of the undeveloped portions of this community. Therefore, it is recommended that properties zoned for industrial purposes remain so zoned in order to protect this portion of our economic base and to discourage invasion of commercial uses into industrial areas, especially along the Route 10 corridor south of East Johnson Avenue and West Johnson Avenue.

Staff recommends that if the Commission wishes to proceed with amending this section, there should be a statement that the Commission wishes to diversify the economic base by adding more commercial development. There should also be a statement of recognition that the Highland Avenue industrial corridor is a logical place to do so given the proximity to the I-691/Route 10 Interchange and the availability of some larger parcels, especially along the east side of Highland Avenue. These parcels offer the opportunity for projects that may achieve various design goals including access management and visual amenities resulting from substantial landscaping and context sensitive building design.

The second concern arises from the current standard that limits the size of retail buildings within the Commercial 2 (C2) and Commercial 3 (C3) districts to no more than 50,000 square feet. The

2002 POCD recommended to “limit the square footage of new retail establishments to under fifty thousand square feet.” This recommendation was implemented by the Commission in November of 2002 through amendment of Section 30, Schedule A, Item 38, a, which permits “businesses where goods are sold or service is rendered primarily at retail and that have not more than 50,000 sq. ft. of gross floor area per building. The gross floor area of the total of all retail buildings sharing a common parking area shall not exceed 120,000 sq. ft. but not more than one building in excess of 30,000 sq. ft.” in the Commercial 2 (C2) and Commercial 3 (C3) districts which are located primarily along South Main Street. While this recommendation was not carried over into the 2016 POCD, the basis for its change should begin with a recommendation as an amendment to the 2016 Plan since the original policy dates to the 2002 Plan.

Our review of the file and minutes from the proceedings on this amendment reveals that the Commission was seeking to prevent the development of large warehouse type retailers whose profiles are usually at or above 120,000 square feet. This regulation remains active for both Commercial Districts and therefore presents a philosophical and competitive problem if the Commission intends on permitting commercial projects within an overlay district that will cover the Highland Avenue industrial corridor. This problem arises from the reality that major new commercial development projects will only occur around the establishment of an anchor of significant scale and drawing power that will enable the success of the project. It is very likely that these anchor tenants will include one or more super markets whose typical store profiles exceed the 50,000 square foot limit established for the commercial districts. While there are some smaller supermarkets that have smaller footprints, the stores that we would expect to want to enter the Cheshire market would likely be in the range of 60,000 square feet and higher.

The Commission did amend the POCD in 2007 to enable the creation of the Interchange Special Development District (ICSDD) under Section 45B of the Cheshire Zoning Regulations by recommending an exception for removing the square footage limit in “approved Interchange Special Design Districts where the size and design of retail establishments is compatible with the overall design of the surrounding area.”

The Commission may wish to proceed with amending the POCD to provide a basis for the overlay district to diversify the economic base on Highland Avenue. All such amendments will have to go through a process which includes referral to the Town Council and the scheduling of one or more public hearings which could take at least 90 days to get through.

TOWN OF CHESHIRE

Planning & Zoning Commission
84 South Main Street
Cheshire, Connecticut 06410
203-271-6670 • Fax 203-271-6688



CHESHIRE PLANNING AND ZONING COMMISSION PRE-APPLICATION REVIEW PROCEDURE

Purposes for Pre-Application Review:

- To provide an opportunity for constructive discussion between the Planning and Zoning Commission and individuals seeking guidance on proposed development projects within Cheshire. Such projects must already be permitted uses regulated under the provisions of the Cheshire Zoning Regulations.
- To reduce applicants expenses in the approval process when major projects are being proposed.
- To reduce the time spent on applications which may be submitted to the Planning and Zoning Commission.

Pre-Application Procedures:

- Pre-application meetings will be held at a time and date that is convenient to the Commission and will be balanced against the time needed for the processing of applications already submitted.
- Reviews will be limited to 20 minutes except at the discretion of the Commission.
- A summary of the project must be submitted along with any drawings, plans or maps that would be helpful for understanding. Materials must be submitted at least one week in advance of the pre-application meeting.
- Each review will be open to the public to observe but not to comment.
- Meetings will be recorded in accordance with the Freedom of Information Act. The only official record will be a notation in the minutes that a pre-application discussion on the property address or addresses was held. Minutes shall consist of the actions only as follows: "The Commission met on XXXX (date) and conducted a nonbinding pre-application review of an application for XXXX (stating what the application was) for property located at XXXX (address). The attendees were...."
- All materials submitted at the meeting will be kept by staff in the Planning and Zoning Department files at Town Hall.
- According to CGS Section 7-159b, neither any plans or ideas presented by any property owner or commercial tenant, or the comments made by any P&Z Commissioner at the pre-application review are binding in the event an application is made.
- The non-binding nature of the dialogue will be acknowledged by the Chairman in the opening remarks for each session.
- No pre-application reviews will be scheduled without receipt of the attached form.



PRE-APPLICATION REVIEW MEETING – LAND USE

Applicant's Agreement to Pre-application Review Meeting under the Provisions of CGS Section 7-159b

“Sec. 7-159b – Connecticut General Statutes. Preapplication review of use of property. Notwithstanding any other provision of the general statutes, prior to the submission of an application for use of property under chapters 124, 126, 440 and 541 or any other provision of the general statutes authorizing an authority, commission, department or agency of a municipality to issue a permit or approval for use of such property, such authority, commission, department or agency or authorized agent thereof may separately, jointly, or in any combination, conduct a pre-application review of a proposed project with the applicant at the applicant's request. Such pre-application review and any results or information obtained from it may not be appealed under any provision of the general statutes, and shall not be binding on the applicant or any authority, commission, department, agency or other official having jurisdiction to review the proposed project.”

I have read and understand the above provision of the Connecticut General Statutes and the Pre-application Procedures and understand and agree that whatever discussion, comments and/or recommendations are made through this review are non-binding upon the parties.

Further, I acknowledge and agree that this pre-application meeting is being conducted prior to and in anticipation of a formal application to the Cheshire Planning and Zoning Commission to obtain feedback and response to the proposal and/or design as it exists on this date in the interest of preparing an application consistent with the Zoning and/or Subdivision regulations of the Town of Cheshire.

Location of premises:

Type of Application:

Name of Applicant (Please Print):

Signature:

Date:

Signature of Property Owner:

Pre-application Fee is \$50.00 as required by the 2004 Land Use Agencies Fee Schedule