

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
APRIL 7, 2010**

ROLL CALL:

Members Present: Eugene Sierakowski, Chairman
Joseph Diminico, Vice Chairman
Kevin Dougan, Secretary
Andy Kidd

Alternates: Anthony Petrone (sitting)
Horace Brown

Absent: Eric Prause
Susan Shanbaum

Also Present: Mark Pellegrini, Director of Neighborhood
Services and Economic Development
Renata Bertotti, Senior Planner
Matthew Bordeaux, Environmental
Planner/Wetlands Agent
Ginger MacHattie, Recording Secretary

The Chairman opened the Public Hearing at 7:00 p.m. The Secretary read the legal notice for the application when the call was made.

TOWN OF MANCHESTER – Zoning Regulations Amendment at Article IV Section 9.03.03, 9.03.04, 9.03.05, 9.03.06, and 9.03.07 (T-511)

Ms. Bertotti spoke on the amendment to the zoning regulations that applies to parking for restaurants. She said in January 2010, a parking variance was denied by the Zoning Board of Appeals and at the time of denial, the ZBA suggested revisiting the parking requirements for restaurants to see if a revision would be appropriate.

Ms. Bertotti reviewed the proposed changes in a PowerPoint presentation. During review of the Manchester Zoning Regulations, Ms. Bertotti said several issues were identified. Manchester's parking standards for restaurants are currently based on a customer service area and area of assembly. Neither the customer service area nor assembly are defined in the zoning regulations which creates uncertainty for the applicant. The customer service area and the gross floor area are used interchangeably throughout the regulations and the regulations would be more clear if a uniform language is created. Ms. Bertotti said parking requirements based on 25 square feet of customer service area appeared to be high and difficult for some restaurants to meet. She said the planning staff researched restaurant parking requirements in other towns, reviewed samples of parking variances for Manchester restaurants, took lunch and dinner peak hour parking counts, and reviewed current literature on the subject. She showed a table with six restaurants that in the past received a parking variance and reviewed those variances. She reviewed parking standards for other Connecticut municipalities that were part of the planning research and said some towns based their requirements on seating while others on some type of floor area. She also said only one out of 15 researched towns required one parking space for 25 square feet of net floor area,

which was somewhat similar to the current requirement in the Manchester Zoning Regulations.

Ms. Bertotti reviewed the lunch and dinner time parking counts conducted by the planning staff. In all, 22 parking plazas were visited during the lunch and dinner peak hours and the parking lots were surveyed for the amount of available parking during those times. The shopping centers were divided into four categories depending on the total gross floor area of the buildings that were located on them. The results of the study indicated that the larger the plaza is, the greater the amount of available parking during both lunch and dinnertime surveys, she said.

Using two Manchester shopping plazas, Ms. Bertotti showed a conversion from square feet to seating requirements. In both cases, parking would be available. In conclusion, Ms. Bertotti said the planning staff found available parking at all sites where they conducted the parking count and that the results of the study showed the larger the shopping center, the more available parking was found. She said parking based on seating rather than on area requirement would help eliminate the need for interpretation of customer service areas and similar terminology that had created issues on the past. Ms. Bertotti said CRCOG was notified of this application and it had commended the Planning and Zoning Commission for promoting shared parking.

Mr. Pellegrini said counts were taken at 22 different restaurants within plazas with a range of uses and occupancy. Regardless of the type of restaurant or plaza, there were parking spaces at all sites. When the counts were taken, the focus was on whether there was excess parking at peak hours and there always was. The standards being reviewed are not unusual as other communities have adopted these standards, he said. One advantage of using seats to determine parking is avoiding the interpretation of what is or is not customer service area.

Mr. Diminico expressed concern over the time of year the parking count was completed. He said it works now, but questioned whether it would work year round, especially if some other time of the year is busier.

Chairman Sierakowski opened the floor for public comment at this time.

Mr. Neil Sharp said he has operated several restaurants throughout the northeast and in the south. He said Manchester's parking regulations for restaurants are excessive, in his opinion. Town staff is not pulling the shade over the Commission's eyes. He asked that the Commission take a good hard look at this application. This is an environmentally friendly application.

In response to Mr. Diminico's questions regarding obtaining a lease for parking, Mr. Sharp said a restaurant owner wants as much parking as possible. A lack of parking only hurts the restaurant owner.

Mr. Dean Levy, of Levy Properties who owns commercial property in Manchester, said this amendment will make it less onerous for businesses to come to Town. Manchester has tough parking regulations and many variances have been granted, but if these new regulations were in place there would not be the need for most of the variances.

Mr. Peter LaPointe represented the owners of 172 Deming Street, an 8,000 square foot multi-tenant building. He said based on Manchester's regulations the phone store requires 10 spaces, the package store 7 spaces, and the Starbucks 23 spaces plus the drive-in which leaves 9 spaces vacant for one additional tenant. Mr. LaPointe said he has been unable to rent that unit and has turned away small restaurants. With the new criteria, Starbucks would need 5-7 spaces, leaving 25-27 spaces available. It is clear that there are surplus parking spaces because he had counts taken at peak hours. Each time, an average of 50% or more of the parking spaces were empty

and available. Mr. LaPointe said he supports the change in regulations.

In response to a question from Mr. Sierakowski, Mr. LaPointe said employee parking is not an issue in his experience. He does not know how each person arrives, but knows there are no problems.

Mr. Ken Burkamp, 811 Main Street, said he has been in business over 40 years and owns restaurants. He disagreed with much of the previous testimony. He said we are in the middle of a recession, and people are out of work and restaurants are doing poorly. The parking spaces are available because people are not going out to eat. There needs to be a balance between the number of seats and the square footage and occupancy of a building. With all of the restaurants going out of business, there are a number of restaurant buildings available with sufficient parking. He wondered why we need to change the rules and regulations to try to tailor to one business trying to get a restaurant. People want to be able to park in front of the store they are going into, not park and walk.

Mr. Matthew Levy said he did try to obtain a variance, but was denied. He has received letters from his tenants who supported this change. The tenants are in favor because business including a restaurant would drive more traffic, hence more business, to the shopping center.

Mr. Sierakowski asked how a restaurant with a bar, where less seating is required, would be affected by the amendment. Mr. Pellegrini said the regulations are based on seats, which include bar stools. There is a minimum standard, but not a maximum, he said.

Ms. Bertotti read a comment from Mr. Alan Lamson into the record suggesting a language change to say equal to or less than 200,000 sq. ft.

Ms. Bertotti noted the Town Traffic Engineer's recommendation to change the parking requirement for stand alone restaurants from one space for every three seats to one space for every two seats including employee parking. He said when an applicant comes before the Commission, he may not know the number of employees needed on the largest shift. The Traffic Engineer also recommended a change in restaurants within shopping center requirements from one space for every four seats to one space for every three seats.

Mr. Pellegrini said the standards being proposed are used in other communities and there does not appear to be a problem in any of these communities. There is no single absolute standard and there are many variables such as the number of customers, quality of the restaurant food, service, etc. that determine how well attended a restaurant will be. Zoning Regulations are required for public safety. If the amendments were made to the regulations there would still be adequate circulation in and to the site on public streets.

Mr. Diminico said Town staff has presented a valid argument; if it works in other towns, it should work here.

The chairman closed the Public Hearing portion of the meeting at 8:08 p.m.

NOTICE: THE CASSETTE TAPE RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.

OFFICIAL TAPE NO. 1075