

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
OCTOBER 17, 2011**

**ROLL CALL:**

Members Present: Joseph Diminico, Chairman  
Andy Kidd, Acting Vice Chairman  
Eric Prause, Acting Secretary  
Horace Brown

Alternates: John Chaput (sitting)

Absent: Kevin Dougan, Vice Chairman  
Anthony Petrone  
Susan Shanbaum

Also Present: Mark Pellegrini, Director of Planning  
Renata Bertotti, Senior Planner  
Ginger MacHattie, Recording Secretary

The Chairman opened the Public Hearing at 7:03 p.m. The Acting Secretary read the legal notice for the application when the call was made.

MCDONALDS CORPORATION – 144 Deming Street – for addition to existing building, modifications and addition to parking spaces, construction of new trash enclosure and related site improvements in an SDC zone – Special Exception (2011-118)

Mr. Alan Micale, Ayoub Engineers, explained that 144 Deming Street has an existing McDonalds and his client is proposing a small addition to the existing dining room. The current vestibule will become seating. The addition of 500 square feet on the southwest side of the building will provide additional seating and a vestibule. An additional twelve parking spaces will be added along the southeast side of the property. The applicant will have a new trash enclosure that will combine the trash and recycling. The small addition will be within the existing curb line. The applicant wants to upgrade the look of the existing building by altering the red roof and changing its color scheme.

In response to questions from Mr. Prause, Mr. Micale confirmed that the light pole will be removed and relocated to the south side of the property. The trash and recycling will be combined into one area. There is a walkway in front of the building but there is no room to add a walkway in the area where the addition will be located. Mr. Prause noted the addition of parking on the southeast side of the property means more people will be crossing the drive-thru lane.

In response to a question from Mr. Brown, Mr. Micale said the steelwood wall for the trash enclosure will be painted to match the building.

In response to a question from Mr. Prause, Mr. Micale said the signage will be illuminated. He is currently speaking with the Building and Zoning Department to ascertain what is allowed. In response to a question from Mr. Diminico, Mr. Micale said, on the sign that says “McDonalds”, the M will be in yellow and the rest in white.

In response to a question from Mr. Brown, Mr. Micale said if a customer parks on the east side, he will not have to walk around the building to the west side to enter; there is an entrance on the east side.

Chairman Diminico asked any member of the public who wished to speak either in favor of or in opposition to this application to come forward.

Mr. Curtis Cunningham, 83 Bryan Drive, suggested sidewalks be added to help pedestrians. This area is congested already and people may walk on the road. He asked if there are any restrictions on signage.

Mr. Diminico said the signage is regulated. He asked Mr. Cunningham if he meant sidewalks should be added on Deming Street.

Mr. Cunningham answered in the affirmative. There is no place of refuge if crossing the road. It would be nice if the sidewalks all tied in together so people do not have to walk in the road, especially during inclement weather.

Ms. Bertotti said Town staff has no outstanding comments.

Mr. Diminico noted that this business is located on a State road and asked if there have been any comments from the State on the sidewalks.

Mr. Pellegrini said McDonalds has been at this location for a long time. He cannot recall the conditions for sure but believes the sidewalks are on the opposite side of the street from McDonalds and there is a crosswalk at the signal at Hale Road on the south side of the street. In the overall design, pedestrian traffic is intended to be handled on the opposite side of the street from McDonalds and use the sidewalk system there.

Mr. Micale commented that he is reluctant to encourage pedestrian traffic near the highway ramps.

Mr. Brown agreed but noted there is a path worn in the grass all the way across the bridge on McDonalds' side of the road.

Chairman Diminico closed the public hearing on this item.

MANCHESTER HALE ROAD, LLC – 50 Hale Road – for construction of a restaurant in the existing Raymour and Flanigan parking lot and related site improvements in a Business V, Design Overlay zone – Special Exception (2011-039)

Attorney Len Jacobs, 146 Main Street, explained his client is seeking permission to build a Chipotle Restaurant in the northwest corner of a parking lot on Hale Road. The site is owned by Manchester Hale Road, LLC, which is a division of Raymour and Flanigan. Raymour and Flanigan currently leases the building on Hale Road as well as a very large distribution center next to Hartford Distributors.

The site is 6.8 acres and located on the easterly side of Hale Road. To its south is Hale Road Extension and to the north are Starbucks and McDonalds. Access to the site is through Hale

Road Extension and an entrance on the north end of the site. A 91,000 square foot building is located on the site, of which 61,000 square feet is occupied by Raymour and Flanigan. The other 30,000 square feet used to be occupied by a shoe store, but Raymour and Flannigan has expanded into that area. Raymour and Flanigan sells furniture and big ticket items and generates very little traffic. This property is located in a Business V zone and a Mexican grill restaurant is allowed by special exception. The building will be in keeping with the scale of the surrounding buildings.

Attorney Jacobs said his client applied for a parking variance to reduce the number of parking spaces from 398 to 339 and the Zoning Board of Appeals approved the variance. The Town Traffic Engineer's memorandum to the file states he is satisfied with the site.

Mr. Lucien DiStefano, Bohler Engineering, explained that this application will involve the redevelopment of 0.67 acres or 30,000 square feet of an existing 6 acre site. All development will take place in a currently developed area and will result in a slight increase in green space. Parking reductions will result in a net loss of 29 spaces but the number of spaces on the site is more than adequate. Access to the site and the existing traffic pattern will remain unchanged. Parking will be available around the entire building. There will be two van accessible handicap parking spaces on the west side of the building. The front door will face Hale Road, and a second access into the building will face the Raymour and Flanigan building. All utilities are present and of adequate capacity. To minimize impact, utilities will run from within a small cut on Hale Road.

The site was developed about ten years ago. There is a significant stormwater system underground on the western side of the site. The applicant will tie in and mimic what was previously approved. There will be a slight increase in green space. Mr. DiStefano pointed out the proposed landscaping, which will include two shade trees, 38 shrubs, and ornamental plantings.

Mr. J. A. Koolis, Traffic Engineer, was asked by the applicant to review traffic conditions. His findings are summarized in a letter dated August 2011. He collected data for the intersections of Deming and Hale and Hale and Starbucks/McDonalds at common peak hours of Friday between 4:00 p.m. and 6:00 p.m. and Saturday between 11:00 a.m. and 1:00 p.m. He took data from the traffic information recently collected for the T.D. Bank project and built upon it. Peak volumes are included in the letter he submitted. Because the restaurant is projected to open in 2012, he took the recommendation from DOT to increase traffic counts by 2% to accommodate for growth and anticipated traffic to be generated by T.D. Bank.

Mr. Koolis said the intersection at Deming and Hale will have no change in its level of service, which is currently "C". The intersection at Deming and McDonalds will be a level of service "A" during Friday's peak and "B" during Saturday's peak. The Starbucks/McDonalds driveway remains a level of service "F" due to left turning vehicles exiting the site. Mr. Koolis noted Town Traffic Engineer Mr. Jim Mayer's concern about the number of accidents, which is 14 over the three years between January 1, 2006 and December 31, 2008. Given the amount of traffic on Hale Road, this is not uncommon. Mr. Mayer would prefer there be no left turn onto Hale Road from the driveway running behind Starbucks. Mr. Koolis said that the terms of the cross easement agreement preclude Raymour and Flanigan from establishing access restrictions without concurrence of other property owners, which has been rejected. Instead, the applicant has developed a signage plan to direct vehicles going to Hale Road to use Hale Road Extension.

In response to a question from Mr. Diminico, Mr. Koolis said Friday peak projects 58 vehicle trips and Saturday peak of 120 vehicle trips.

In response to a question from Mr. Kidd, Attorney Jacobs explained it is important for Chipotle to be visible from Deming Street, which is why the restaurant was not located in the southwest corner of the lot.

In response to several questions from Mr. Brown, Mr. Koolis explained that T.D. Bank has two driveways, one of which provides full access to Hale Road directly across from the Starbucks road. Mr. Mayer expressed concern about the left turn from Starbucks to the mall area and asked that signs be placed on the site to direct people to Hale Road Extension. Mr. Koolis said the intersection does not meet the minimum requirements for the State Traffic Commission to approve a signal in this location. The State guidelines for traffic counts exclude the time period between November 1 and the end of the year.

Mr. Keith Bettencourt, Architect, said the proposed building is 2,200 square feet and 16' 8" in height. It fits in well with the variety of store fronts in the area. There will be three building signs; one on the north facing Deming Street, one on the south side of the building, and one over the metal backing matching the storefront. The building will have detailing of Norman brick, which will add character to the building. The dumpster will be located immediately off the sidewalk in the back with gates similar in color and matching the design of the building. There will be a small amount of glazing on the rear wall and a large area of glass looking into the kitchen on the side wall.

In response to a question from Mr. Diminico, Mr. Bettencourt submitted a sample of the brick color and said the signs will be illuminated.

Mr. Brown said he was disappointed with the architecture of the building. He referred to pictures of some of the properties within sight of this building and every one of them has a break in its roofline. This building appears to have a plain flat roof. It also appears high in relation to its length and width.

Mr. Kidd agreed with Mr. Brown and was also disappointed. The building looks like a tall box and resembles a warehouse. There is no break and no features. The surrounding buildings have character. The windows seem to make the building look taller. Mr. Kidd asked if Chipotle has other building options.

Mr. Bettencourt said this is a more recent prototype. Ten have been constructed so far. The short answer is no.

In response to a question from Mr. Prause, Mr. Bettencourt said the screening is to cover the rooftop HVAC unit.

In response to a question from Mr. Diminico, Mr. Bettencourt said Chipotle's latest prototype has been built along the east coast, one in the south, and one or two in the west.

Attorney Jacobs said planners will often talk about infilling underused commercial properties. This is a good site with a major tax generator in the larger building. The site is 6.8 acres and is currently producing minimal traffic. This small commercial building will generate some traffic,

but he thinks it will work. The sign system will cause people to use the southerly exit. Attorney Jacobs said he doesn't think this restaurant will make traffic any worse. The location and use are both suitable. The building is 16' high. The building behind it is 23' high in some sections. There are no problems with emergency vehicles or drainage. Although Raymour and Flanigan has a significant presence, this property is significantly underutilized.

In response to a question from Mr. Prause, Attorney Jacobs said as properties were developed in Manchester, each building was judged on its own merits. Buildings are not laid out in comparison to their neighbors. This building will look as nice as McDonalds and Starbucks. Brick is predominant in this area. Attorney Jacobs thinks a design overlay zone is a good idea, but tough to impose in an established community.

Chairman Diminico asked any member of the public that wished to speak either in favor of or in opposition to this application to come forward.

Ms. Rona McFarley, area construction manager with McDonalds, said Raymour and Flanigan recently contacted her to let her know that Town staff was inquiring if McDonalds would agree to prohibit left hand turns from the access drive onto Hale Road. There is a recorded easement agreement over that road and a property interest in it. McDonalds also maintains that road. McDonalds believes the access road is integral and vital to the success of their restaurant and the independent franchisee that runs that location and would not advocate for a restriction of a left hand turn exiting from there. In addition, those driveways were not in any way intended to carry the traffic associated with another restaurant in this location and the amount of traffic generated by a quick service restaurant. She said McDonalds would not encourage any of its customers to leave via the entryway across the front of Raymour and Flanigan. There is no parking next to the building, only in front of the building, so all people visiting the building have to cross the driveway into the building. McDonalds does not encourage their patrons to use this driveway and interfere with pedestrian traffic entering the Raymour and Flanigan building.

Mr. Curtis Cunningham, 83 Bryan Drive, said he likes the overall design. He agrees with earlier comments made by Commission members about the roof line.

Ms. Bertotti said Town staff has reviewed this application and made two recommendations for the final mylars, as well as some minor and technical comments from the Water and Sewer Department and the Traffic Engineer.

Chairman Diminico closed the public hearing on this item.

SHARON A. MILLER REVOCABLE TRUST – 184 & 188 Spencer Street – to change parcels from Rural Residence zones to General Business zones – Zoning Map Amendment (2011-041)

Attorney Steve Penny spoke on behalf of the applicant, who has two parcels of land located at 184 and 188 Spencer Street. The parcels are currently zoned Rural Residence and this application is to change them to General Business. The property is located on the south side of Spencer Street at the southeast corner of Hillstown Road. Parcel is 1.4 acres and the other is 14.24 acres, for a total of 14.73 acres. The property is bounded by Spencer Street, which includes three small parcels zoned General Business and a single family home zoned Rural Residence. To the east is an office building and Squire Village zoned Residence C. To the south is Interstate 384 and to the west is Hillstown Road. The larger of the two properties is currently

leased to a local farmer. Public water and sewer are available to the site; there are no wetlands or watercourses on the property. The entire north side of the site is bordered by Spencer Street. To the west is ShopRite which is in a General Business zone. The Rural Residence zone is leftover from when the entire area was agricultural. At that time the entire area was principally fields. There was no highway, no community college, and few establishments. Permitted uses for a Rural Residence zone include single family homes and certain special exceptions. Mr. Penny said no reasonable person would assign Rural Residence to these two parcels surrounded by three heavy traffic roadways, yet that is exactly the position this property owner is left with.

Mr. Alan Lamson, architect, explained that the land uses and zoning in the area of the applicant's property have evolved over the years. Interstate 384 was built in the 1960s and 1970s and precipitated general development. Then the land south of Interstate 384 was acquired by the State of Connecticut and evolved as Manchester Community College. Spencer Street was once considered the rural fringe of Manchester. Since then, it has evolved and is now commercial in character. In 2008, the Plan of Conservation and Development labeled the Spencer Street area a commercial corridor. At that time, there was very little vacancy, the vast majority of which was the unoccupied K-Mart store. There is currently activity at that site, indicating a potential reuse of the site. The real value of vacant property is the land itself. Most times it is economically feasible for a developer to remove any existing buildings.

The Plan of Conservation and Development refers to the landfill, which creates odors and attracts flocks of seagulls. It is difficult to reconcile that this property be used for mixed use, adding more residential property to this neighborhood. The Plan of Conservation and Development also identifies concerns about crime in this area. This is not an area that will develop market driven residential use. Safety can be enhanced by the installation of sidewalks. New commercial development will enhance desirability and the potential for reuse. The only viable open site in this area is the subject's parcels.

The 2008 Plan of Conservation and Development said this area has good highway access, is accessible to neighborhoods in southwest Manchester, is in reasonable proximity to Rentschler Field, and is visible from Interstate 384, all of which make this property desirable. This parcel is not appropriate for residential use due to the proximity of the highway and Squire Village.

Mr. Thomas Tomko, Zinsser Real Estate Agency, explained that this parcel abuts a host of General Business zoned parcels. Only two other properties in the area are not zoned General Business. There is a single family home located at 150 Spencer Street and Squire Village, a Section 8 rental complex, located at 72 Spencer Street. The subject property is entirely engulfed by General Business zoning. Mr. Tomko walked the Commission through each property and its occupancy status. Most of the properties in the area are 100% occupied, with the office building at 112 Spencer Street being 88% occupied and, of course, the old K-Mart space unoccupied. The site may have dark tenant space, but if there is a lease, from the owner's point of view, the space is occupied. The large floor plate of the old K-Mart building is obsolete for the next user. He gave the example of the old Heartlands and Rickels buildings, which were torn down and now a BJs sits on that space. Another example is the old Bally's building, which had an out of date floor plate. That building was torn down and now medical offices are being built in its place.

Mr. Tomko said market rate housing could not be financed and built at this location. If any residential building were to take place, it would likely be a continuation of a Squire Village type development. The property is not conducive to providing an economical yield if used for

agriculture. The only economic benefit for the owner of the property currently is that the person farming the land plows the driveway in the winter. This site's highest and best use is General Business.

Attorney Penny said there are not vacancies in the area other than K-Mart, the rest are 100% occupied. If there was a concern in 2008, the Planning and Zoning Commission modified the Plan of Conservation and Development as a reaction to a set of circumstances that do not exist today.

Mr. Bill Vliet, Vliet and O'Neill, said he has prepared a letter to the Commission regarding traffic in the area. If this application is granted, the applicant understands it will be before the State Traffic Commission. The 2010 average daily traffic on the portion of Spencer Street near the East Hartford Town line is about 17,000 vehicles per day. Traffic peaks by Shoprite at 26,000 vehicles per day. East of Hillstown Road that number drops from 17,000 to 14,000 vehicles per day. Spencer Street is a very good arterial roadway with good highway access. The subject parcel has control over significant frontages on Hillstown Road and Spencer Street. Mr. Vliet's professional opinion is that any development on this site can be safely accommodated.

Attorney Penny said the proposed zone change is consistent with the Plan of Conservation and Development as it existed through March 2008. This application is fully compatible with the character and uses in the area. The area roadway network is sized to handle any resulting traffic. The 2008 amendment to the Plan of Conservation and Development indicated that due to current vacancies, rezoning is not advised in the short term. This amendment is misdirected and should be abandoned. The goal for the area is commercial development. Attorney Penny questioned why the Commission would prevent a new tenant with that goal in mind.

This site does not lend itself to residential development given its location and the surrounding properties. General Business zone is the most fully compatible. In the current economic climate, the Commission would do well to encourage any development.

In response to a question from Mr. Prause, Attorney Penny referred to a 2003 study regarding Broad Street that said large box tenants like to create synergies where they locate together along certain corridors. Manchester has had extraordinary success with this model. The downside is higher vacancy rates develop in formerly successful shopping plazas. The reality is that Spencer Street is a great place for commercial development, as it is located near the college and Rentschler Field. We should use all tools available to attract commercial development in the area. To say that until the existing vacant spaces are redeveloped nothing else will be allowed is not what retailers want. He said more often than not, developers remove existing buildings and rebuild.

Chairman Diminico asked any member of the public that wished to speak either in favor of or in opposition to this application to come forward.

Attorney Marjorie Shanski said she visited the Planning Department and was astonished by the lack of information available in the files. She respectfully requested the hearing be kept open. This burdened farmland has twice been under assault to be rezoned General Business. This is not consistent with the Plan of Conservation and Development. Consistency is almost a fundamental requirement. Areas in the Plan speak specifically to the notion it is not advisable to

rezone to General Business. The applicant has argued that the short term is over, but we are looking at continued economic distress. There has been no population growth that demands expansion. This site represents a perfect buffer; a transition to move to residential uses in the area. Saying the site is more desirable than the structure on it is not the proper way to get rid of things. Changing the zoning of this property would be a failure to be consistent with the Plan of Conservation and Development and the zoning regulations.

Circumstances have not changed. In 2007, 112 Spencer Street had 2,400 square feet vacant. It has taken four years to fill 1,200 square feet. There is no underlying basis to make this change. In addition, it is desirable to retain agricultural land. A statement was made that this size is not adequate for profitable yield; she questions that statement. There is a large vacant floor plate in the area. One man's large vacant floor plate yields another man's blight, she said. There are 20 Lowe's stores being closed. She hates to see a perfectly utilitarian piece of green space eliminated. There is nothing about zoning that ensures maximum economic return for an owner. The applicant concluded the Plan of Conservation and Development supports this request, but the Plan plainly does not. Highway access has been unchanged from 2008 when a similar application was turned down.

Ms. Bertotti received three communications regarding this application; two opposed and one in support. Henry D. Resalhoff, Starbucks, fully supports the zone change. Leslie Frey, 30 Florence Street is opposed to the change because of the vacant K-Mart nearby. Efforts should be made to revitalize the area. The Conservation Commission, at its September 20, 2011 meeting, reviewed this application and made a unanimous decision to recommend the Planning and Zoning Commission take time to finish the update of the Plan of Conservation and Development and utilize it to make its decision. There are significant commercial vacancies.

Mr. Pellegrini said there have been several changes to conditions in the area. The landfill is no longer a municipal landfill. When vacant centers are demolished, that is usually market driven. The Parkade is an exception. He said the Commission should not discount housing as a possibility at this location. There are many examples of housing in areas with the same characteristics. The reason the recommendation was made in 2008 was to allow the area to fill in; let underutilized land be filled in. Manchester 2020 has found there is a lot of desire for mixed income, mixed use centers.

In response to a question from Mr. Diminico, Mr. Pellegrini said the amendment to the General Business zone for mixed use for residences on the second floor was the end result of the housing moratorium. Several residential developments were proposed at the time. As a result of the proposals, the Planning and Zoning Commission decided to impose a housing moratorium to review the housing and zoning regulations, particularly multi-family housing. As a result of the review, residences above commercial space in business zones allowed up to five units except in General Business zones. The Broad Street redevelopment may be a model for other approaches.

In response to a question from Mr. Prause, Mr. Pellegrini said the only way to allow for mixed use currently is to rezone a portion for business and a portion PRD.

Attorney Penny said this application is quite straightforward; the amendment to the Plan of Conservation and Development was based on the high number of vacancies. He doesn't see the necessity of keeping the hearing open. The attorney that spoke during public comment avoided revealing her client's identity in 2008 and he later found out she represents Shoprite. Attorney

Penny's client doesn't have an end user at this time, but that should not be the issue. It was suggested that this farmland provides an appropriate buffer, but that is not appropriate under zoning. He would argue with the conclusion that a property this small can be put to agricultural use successfully. The conditions today are different than those that drove the Planning and Zoning Commission to make an amendment in 2008. There are no substantial vacancies in the area other than the K-Mart building. In these dire times, the Planning and Zoning Commission will do well not to hamstring itself by only pursuing adaptive reuse.

The Chairman closed the Public Hearing portion of the meeting at 10:27 p.m.

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

OFFICIAL TAPE NO. 1131, 1132, 1133, and 1134