

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
APRIL 16, 2012**

ROLL CALL:

Members Present: Joseph Diminico, Chairman
Kevin Dougan, Vice Chairman
Andy Kidd, Secretary
Horace Brown

Alternates: Susan Shanbaum (sitting)
John Chaput
Anthony Petrone

Absent: Eric Prause

Also Present: Mark Pellegrini, Director of Planning
Ginger MacHattie, Recording Secretary

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

AMERICAN GROUP, LLC – for the sale of four used automobiles at 266 Middle Turnpike West – Certificate of Location Approval (2012-031)

Attorney Stephen Penny spoke on behalf of the applicant, who was requesting approval for the sale and display of four used automobiles at the corner of West Middle Turnpike and Broad Street. West Middle Turnpike and Broad Street are major arterial roadways. He said the subject property has been used for auto related uses since 1952 and the current structure has been in place since 1968. Approximately 1,184 square feet of the building is currently used as a service station and repair facility; the remaining 654 square feet is used as a convenience store. There are currently three employees. He said the Zoning Board of Appeals was satisfied with the parking on site and granted a special exception for used car sales. There will be no problem with the roadway or intersection.

In response to a question from Mr. Kidd, Attorney Penny explained design changes have been made to the ingress and egress of the site consistent with the Town's design for the Broad Street improvements.

Mr. Bob Messier, project surveyor and engineer, further explained that the Town is looking for a uniform curb line. He said the applicant will narrow the entrance to the property on West Middle Turnpike and a new landscaped island is proposed at the northwest corner of the property. He pointed out the planned restriping of the parking lot, including a handicap space and the required number of parking spaces.

In response to a series of questions from Mr. Kidd, Mr. Messier explained there is concrete sidewalk at the eastern and western end of the Middle Turnpike frontage and bituminous

sidewalk in the center of the frontage. There is currently an island and the owner intends to make it look more presentable, but there are no plans to replace the bituminous sidewalk on the Middle Turnpike frontage.

Chairman Diminico asked if any member of the public wished to comment either in favor of or in opposition to this application. No member of the public came forward at this time.

Mr. Pellegrini said there are no staff comments on the location approval. The site plan was reviewed as part of the Zoning Board of Appeals application and was approved. The action of the Planning and Zoning Commission is strictly for the Department of Motor Vehicles location approval as required by section 14-54 of the state statutes.

In response to a question from Ms. Shanbaum, Mr. Pellegrini said the applicant did not need to add any additional parking spaces. Ms. Shanbaum expressed concern about the safety of patrons parking and crossing the Broad Street entrance to view the cars for sale.

Mr. Faruk Gulseren commented that drivers cut through the parking lot from Middle Turnpike to Broad Street now to avoid the red light. He believed the new driveway configuration would inhibit the ability to cut through the site.

In response to a question from Mr. Brown, Mr. Pellegrini confirmed that the Form Based Zoning will cover this property if the map change is adopted as proposed.

Mr. Diminico said he understands Ms. Shanbaum's concerns. The plan is limited to four vehicles for sale and he hopes the applicant will adhere to only four cars. He said the Planning and Zoning Commission has to determine if this is a location that will absorb auto related sales. There are auto related uses in the area, one across Broad Street and one further south on Broad Street. He said the only difference is this will have used car sales.

In response to a question from Mr. Kidd, Attorney Penny explained the application is for a specific number of vehicles. This property is a multi-use site. The Zoning Enforcement Officer must be able to allocate certain numbers of parking spaces for the different uses that exist on this site.

Mr. Dougan said he could not help but think of the used car lot at the opposite end of Broad Street on the same corner. That is a rather busy lot.

The public hearing on this application was closed.

EVERGREEN CROSSING, LLC – for revisions to the Manchester Zoning Regulations at Article II Section 7.02.03(c) and Article II Section 7.04.06 to permit three story multi-family buildings in PRD zones – Zoning Regulation Amendment (2012-007)

Attorney Stephen Penny spoke on behalf of Evergreen Crossing, LLC and explained that the applicant is requesting a change to the zoning regulations to permit three story multi-family buildings at a maximum height of 40' in the Planned Residence Development (PRD) zone. In addition, the applicant is requesting a change to make it clear that the current 100' setback requirement on multi-family dwelling sites for two and a half story buildings would hereafter

apply to any building of more than two stories, should the proposed amendment be approved. Attorney Penny explained the applicant has in place an approved PRD Preliminary Plan for 244 multi-family units at 325 New State Road. The proposed amendment apply to any future PRD multi-family applications and could also apply to approved, but not yet built, PRD multi-family developments, such as the applicant's. An applicant would be required to return to the Commission to request a modification to an approved site plan. The proposed amendment does not alter the current density limitations in the PRD zone. This means that a developer would have an opportunity to construct fewer buildings and provide more open space on a parcel, while achieving the same number of dwelling units at a density approved by the Commission, he said. The amendment does not propose to change the sizes of dwelling units or the coverage limitations for the zone, as currently required in the regulations. It maintains the 100' setback requirement that currently only applies to two and a half story multi-family buildings in a PRD zone.

Attorney Penny said he did some research into building height zoning regulations in Manchester. He said that when zoning regulations were first adopted in 1938, apartments were permitted in all residence zones. There were no specific building height limitations on apartments, so the general zone district height limitations applied. There was no building height restriction in the Rural Residence zone. The R, AA, and RA zones limited buildings to 35' in height, while Residence B permitted 40' and Residence C permitted 50'. The 1945 regulations introduced a section entitled Group Dwellings, which encompassed the building of a group of one-family, two-family, or multi-family dwellings. The most restrictive zone in which such housing could exist was Residence B. It provided that no building could exceed two and a half stories or 35' in height.

The height of the building was defined as the vertical distance measured at the center line of its principal front from the established grade or from the average ground level of the portion of the lot adjoining and within 10' of the building where it sets back from the street 10' or more, to the mean height level of the top of the main plate and the highest ridge in the case of pitched roofs. He said this is the same definition of height that exists in the regulations today.

Attorney Penney said the application of this provision in how one measures building height is strikingly similar to the current PRD regulation pertaining to two and a half story multi-family buildings. Group dwellings, including apartments, were moved to the Residence C zone in 1950, where such buildings could be the same two and a half stories or 35' in height, but could be no less than 15' from the front line and one-quarter of the height of the building from the side yards, he said. By 1970, apartments were back in the Residence A zone where they were limited to two stories. But group dwellings, which were defined as buildings containing four to sixteen dwelling units, could be found in the RA, RB, and RC residential zones and all business zones. While generally limited to two stories, they could be three stories in height if appropriate to the topography. As of January 25, 1972, group dwellings and apartments were removed from all residential and business zones. Subsequently, the Commission adopted the M zone, the precursor to the PRD zone. Multi-family structures were limited to two stories, but could go to three stories if the natural slope was suitable. They had to be setback 100' from a single family lot, but otherwise 30' was adequate. In January, 1981, the Commission created the PRD zone. In so doing, the current regulatory provision as to height was adopted. Today, 40' multi-family building heights are permitted in the Elderly Housing District Zone and in the Historic Zone for new buildings. As the PZC can see by this history, building heights limitations have varied from

time to time and zone to zone, he said. Three stories, and 40' height, as requested, have been permitted in that mix, with the more recent codifications employing more restrictive setbacks as a counterbalancing provision to increased height.

Mr. Alan Lamson, FLB Architecture and Planning, explained that the amendment only has to do with three changes in the PRD zoning regulations. They are to allow an increase in the number of stories in a building from two and a half to three stories, to allow a building height maximum of 40' (a change from no maximum), and to revise the 100' building setback so that it prohibits any residential structure over two stories within 100' of the property line of the site. He pointed out that there are several things that will not change, including the minimum unit sizes of multi-family units, the total gross floor area as a percentage of the site, the density will still be set by the PZC at the approval stage and will be limited to a maximum of 10 units per acre, the calculation of buildable area of a site, any subdivision requirements regarding single family, duplex housing, or multi-family housing, uses permitted on the site will not change, all site design requirements, and acoustic control design requirements will not change. The appearance of new projects relative to projects the Commission has previously approved will not change. The Commission still has entire design control over the product the Commission approves for multi-family development in a PRD zone.

Mr. Lamson noted many of the projects the PZC has approved in the last several years are essentially three stories in height for at least half of the buildings that have habitable space in them. That third story, depending upon the project, includes separate residential units, entry vestibules, or garages. Mr. Lamson displayed pictures of Vintage at the Grove showing several buildings with all three levels containing apartments. The other side of each building is only two stories in height. In response to a question from Mr. Diminico, Mr. Lamson said the height is between 37' and 38'. Mr. Lamson showed other examples of three story multi-family buildings, including Aspen Woods, Waterford Commons, and some condominiums on Tolland Turnpike. For each building that has a three story side, the other side is two stories. The PRD zone currently has no maximum height. The average 3 story structure is 37' mean height.

Mr. Lamson said the impact of the amendment will reduce the building footprint area on the site and reduce construction costs. There will be 33% less roof and less foundation. In addition, this will result in energy conservation. This amendment will also serve to increase the amount of open space on the site by as much as 33%. To demonstrate Mr. Lamson displayed two generic site plans showing a ten acre site. He can place 6 residential buildings that are two stories high on the site, or with the proposed amendment, place the same number of units but eliminate two buildings. In the end, there is a significant increase in open space, he said.

He said the PZC would still have control over site density and building design. The proposal would not apply to any sites that are two acres or less. Mr. Lamson showed an example of a two acre site with 100' setbacks. Any small project will not fit on a site such as this due to the setbacks.

Mr. Lamson said there will likely be no impact on existing approvals. The PZC has already set the density on those projects. For any project that is already constructed, it would not be economically feasible to accommodate a third floor. For many projects, the additional units would require more open space plus more parking. He does not think the change to the zoning regulations would affect any multi-family projects already constructed.

Mr. Brown expressed his skepticism that three story apartments would be attractive to prospective tenants. Mr. Lamson said a townhouse on the second level is attractive in the market.

Mr. Michael Goman, real estate consultant, said he was asked to review the plan revisions and when doing so considered the consistency with design trends, impact of revisions on marketability, and the impact on financing. He concluded the revisions to the zoning regulations would have a net positive impact as they are very consistent with the current design trends and preferences. Three stories allow for options in ceiling height, window height, and more curb appeal. He said three-story projects are very attractive right now. A desirable design improves marketability, which in turn allows the developer some financing options. The ability of the developer to lease units depends on market demand, he said.

In response to questions from Mr. Diminico, Mr. Goman said he has recently worked on three to four story projects in very urban developments in Dallas and in the suburbs of Charlotte. He said lenders are willing to finance what people are willing to pay for. In the Hartford area, much of the housing stock is older and not consistent with the preferences of today.

In response to a question from Mr. Kidd, Mr. Goman said vertical construction is higher cost construction. He did not look at the cost but rather the marketability and what people are looking for. In response to a question from Mr. Chaput, Mr. Goman said he does not think these zoning regulation amendments will impact the Broad Street project.

In response to a question from Mr. Kidd, Attorney Penny explained that the proposed amendment is really for ½ of a story or 5'. All standards remain in place and untouched. The PZC previously approved numerous two and a half story structures. The proposal is fully consistent with the Building Code.

In response to a question from Mr. Dougan, Attorney Penny explained that the amendment would not encourage 3.5 stories due to the 40' height limit.

Chairman Diminico asked if any member of the public wished to comment either in favor of or in opposition to this application. No member of the public came forward at this time.

Mr. Pellegrini said he did circulate the proposed amendment and there were no particular comments. He said the Fire Marshal's main concern was toward existing structures.

The Chairman closed the Public Hearing portion of the meeting at 8:36 p.m.

NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.