

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
JUNE 15, 2020**

MEETING HELD VIA ZOOM

ROLL CALL:

Members Present: Eric Prause, Chairman
Patrick Kennedy, Vice Chairman
Michael Stebe, Secretary
Jessica Scorso
Jessica Poland

Alternate Members: Julian Stoppelman
Bonnie Potocki
Teresa Ike

Also Present: Gary Anderson, Director of Planning
Megan Pilla, Senior Planner
Nancy Martel, Recording Secretary

The Chairman opened the Public Hearing at 7:00 P.M. The Secretary read the legal notice when the call was made.

TOWN OF MANCHESTER PLANNING & ZONING COMMISSION (continued from June 1, 2020) – Comprehensive revisions to the Form Based zone regulations at Art. II, Sec. 26 to simplify and clarify requirements to encourage desired development. – Zoning Regulation Amendment (2020-019)

Ms. Pilla reported that the Manchester Planning Department prepared a proposed comprehensive zoning regulation text amendment to Art. II, Sec. 26 for the Form Based zone. The intent of the text amendment is to update regulations for this zone to encourage desired development, including development of the Parkade site, and to clarify parts of the section that may have been unclear or redundant. Several proposed revisions were presented at the first public hearing and those that will be spoken about today are additional revisions in response to Staff review comments and feedback from the public hearing on June 1.

Ms. Pilla displayed slides with the new revisions. In Table 26.04, Allowable Uses in the FBZ, the GFL (Ground Floor Limitation) placed on multi-residence use in the frontage zone has been changed to the notation GFSE. This allows residential uses on the ground floor of multi-residence buildings in the frontage zone by special exception. This is to clarify the way that can be approved rather than going through alternative compliance, which will be mentioned later. Additionally, the requirement for unit variation in multi-residence buildings is changed to allow no more than 70% of the total number of dwelling units to be of any one type, which was previously 50%. This was based on a public comment from the last meeting.

The language in Sec. 26.04.03, Ground Floor Limitations, referring to the Alternative Compliance section, has been changed to refer instead to the new notation of GFSE, or Ground Floor Special Exception, as previously mentioned in Table 26.04. The maximum expanse of uninterrupted wall length under the section about Façade Length and Articulation has been increased from 100 ft. to 120 ft., based on a public comment. The maximum height of buildings within 20 ft. of the right-of-way line of primary streets is increased from 36 ft. to 40 ft. and from 42 ft. to 44 ft., when the roof pitch is 6/12” and the gable end of the building is not facing the street. Again, this was in response to a public comment.

The minimum dimensions of tandem parking spaces are changed from 9 ft. x 30 ft. to 9 ft. x 36 ft. This is based on review comments from Engineering staff. Similarly, the minimum dimensions of compact tandem spaces are changed from 8 ft. x 26 ft. to 8.5 ft. x 30 ft.

Language is added to the Administration portion in Sec. 26.09.02 (a), under Application Types, to specifically allow for the submission of a master plan to fulfill the requirement for a preliminary site plan for larger developments prior to the submission of a full detailed plan.

The biggest revision since the prior meeting is changes to the Alternative Compliance section. It is updated to be in compliance with case law established by MacKenzie v. Planning and Zoning Commission of the Town of Monroe as was discussed previously and as recommended by Town Attorney Tim O’Neil. The revision specifies that alternative compliance may be approved through the special exception process. Subsections A, B, and C, which outlined alternative compliance for dimensional standards, alternative uses and additional building lot types, respectively, have been removed and replaced by a new subsection A, which allows for alternative compliance via special exception from setback requirements in order to meet ADA standards.

Mr. Prause questioned whether all of the revisions were things that were brought up during the public hearing. Ms. Pilla responded that they were, with the exception of the tandem parking spaces, which came from the Engineering review comments.

Mr. Kennedy said he saw subsection A being deleted, but B and C weren’t displayed; he assumed they were deleted as well, with which Ms. Pilla agreed.

Mr. Harry Freeman, a principal of Manchester I, LLC, thanked Staff for continuing to work well with them. He stated that they had talked through all of the suggestions mentioned at the last meeting and they have been incorporated into the new regulations. His attorneys concur with the Town Attorney’s reading of the changing case law and they are 100% in support of the regulations are they are proposed.

MOTION: Mr. Kennedy moved to close the public hearing. Ms. Scorso seconded the motion and all members voted in favor.

PARKADE CINEMAS & ENT. INC. – Request a special exception under Art. II, Sec. 26.04 to allow a drive-in movie theater at 416 Middle Turnpike West. –Special Exception (2020-026)

Mr. Ahmad Ali Davis, 465 Hillstown Road, Manchester, the owner of Parkade Cinemas and Entertainment at 308 Broad Street, Manchester, introduced himself. He stated that they are requesting to screen outdoor movies as a drive-in movie theater. They have been in the theatrical business for the past 15 years as Parkade Cinemas for indoor screening.

Mr. Davis explained that, after opening in 2007, they encountered the recession in 2008, the demolishing of the Parkade, the transition from 35 mm to digital, and the coronavirus. He said that the drive-in application meets the needs of not only their business, but also the community, now that theaters are allowed to reopen but their ability to be successful is impacted by people's fears of being in closed spaces.

Displaying Exhibit A, Mr. Davis showed the parcel owned by Parkade Cinema, demonstrating the east and west lots, which are the areas where the drive-in screenings are planned. Mr. Davis explained the details of the east lot, including entrance and exit, parking, traffic flow and screen location. He pointed out the check-in area and concession area, and described the payment plans and rest room facilities with precautions in place. He explained that, with the layout they have planned, customers will never have to leave their vehicles.

Mr. Davis described the inflatable screen that will be in place on the east side of the building. The screen will measure 40 x 20 ft. and will be set 4 ft. off the ground. It will be erected every night and taken down every night after the showing. Approximately 60 to 70 ft. back from the screen will be a projection booth, which will house the projector and the FM transmitter. Mr. Davis said that the booth will be for weather protection and the security of the equipment.

Moving to the depiction of the west screening area, Mr. Davis pointed out the entrances, the parking spots and the location of the inflatable screen. He explained that the west screening area will open a few months down the road, as the parking lot must be torn out and replaced. There will be a privacy fence erected to preclude drivers on Green Manor Boulevard from being distracted. Mr. Davis pointed out the projection booth, which will be similar to the east projection booth.

Mr. Davis stated that the outdoor movies will ensure social distancing and will be a great addition to the town of Manchester.

Mr. Stoppelman reported that, when the drive-in theater was dismantled in South Windsor, disposal was problematic because of chemicals in the screen. Mr. Davis reiterated that the proposed screen is inflatable.

Mr. Stoppelman questioned the plan for latecomers and patrons leaving early. Mr. Davis responded to the question about latecomers, noting that is something that will be frowned upon because it will disturb the experience for moviegoers. Those who wish to leave early will be accommodated, as their headlights would not disturb other patrons.

Mr. Stebe stated that he assumed the entrance on the east will be the exit as well, which Mr. Davis confirmed. Mr. Stebe asked if parking spaces will be assigned.

Mr. Davis explained that there are red X's on the spots where parking is restricted. He reported that there will be more employees to help guide drivers through. This is a fairly simple process, according to Mr. Davis, as it is as if they are moving one of their auditoriums outside, ushering patrons to parking spaces vs. ushering them into theater seats.

Mr. Stebe referred to their memo, which stated that there will be more information about anchoring the screens.

Mr. Davis said the screens, when fully inflated, have ties and they are installing concrete footings, level with the ground, with eyebolts that are cemented and also level with the ground, and the ties will be attached to them. He noted that in the past they have had a "Family Fun Day" and they had approximately six inflatables in the parking lot. Those were anchored similarly, and were permitted by the Town. Mr. Davis added that, in the event of extreme weather, the show would be canceled.

Mr. Stoppelman questioned how the parking would be distinguished when and if the indoor theater opens.

Mr. Davis explained that the inside theaters would be operated during the daytime. The drive-in can only operate after the sun sets. The plan is to not have the inside and outside operating at the same time and the times will be adjusted according to the sunset.

Ms. Pilla reported that, during review, the Staff had additional questions and comments that do not necessarily change the plans, but request clarification on the specifics. She noted the concrete footings are what the Engineering Department requested. The applicant has also been in contact with the Fire Marshal, as they have certain requirements for anchoring these types of systems. The Engineering Department has commented that the anchoring system footings and the screens must stay on private property outside of the Green Manor Boulevard right-of-way. Ms. Pilla added that Engineering was looking for some clarification on the proposed privacy fence and how the west inflatable screen will be angled and/or shielded to minimize visibility of the screen to approaching drivers.

The Engineering Department also noted that no permanent structures will be installed above the two existing underground sanitary sewer main easements or the location of the water main, according to Ms. Pilla. The plans do not appear to show any issue with those. Engineering additionally mentioned checking the location of the storage container on the west parking area for the projector to ensure it is out of the way of the utility easements.

Mr. Davis stated that he is aware of most of the comments Ms. Pilla mentioned. He ensured they will all be taken into consideration in their planning.

Mr. Kennedy reported that the draft motion they were given did not mention any Staff comments. He questioned whether these have been adequately covered by the plans themselves or if language should be added that an approval would have to be subject to Staff comments.

Ms. Pilla responded that she did not include the comments because most of the comments were clarifications and/or reminders to the applicant. However, they are all in one memo, so it may be wise to reference that in the motion. She stated that the memo to her is from John DiBiasi, Assistant Town Engineer, dated June 11, 2020.

Mr. Davis interjected that 90% or more of the comments have been adhered to. He explained that the inflatable will be 100% on the parcel and away from the road, with which Ms. Pilla agreed.

Mr. Prause noted that Art. II, Sec. 26.04 in the Form Based zone regulations is about this type of use. There are references in Table 26.04.01 stating that this type of activity, an outdoor theater, would be subject to special exception. Mr. Prause questioned whether there is any other reference in the Form Based zone about any type of requirements, size requirements, capacity limits or parking requirements regarding an outdoor theater.

Ms. Pilla stated that there are not. In checking for height requirements, there are none specified for this use in this zone for an accessory structure of this type. It does reference that anything not specifically mentioned would be subject to the height requirements of the rest of the regulations. However, they only reference residential zones, according to Ms. Pilla. There are also no specific parking requirements for this type of use.

Mr. Prause added that is why a special exception requirement was added, trying to anticipate what would be needed. He offered that an outdoor theater is more like a bandshell.

Ms. Pilla reported that, to her recollection, an outdoor theater is what they were looking at when reviewing the application.

Mr. Prause noted that there is no existing Executive Order from the government related to outdoor entertainment of this type. Outdoor dining was mentioned in an order stating how applications could be handled and approved. He speculated on whether, if the application is approved, it is an approved use at the location.

Mr. Anderson added that, when working with Mr. Davis in terms of his plan, they did discuss the opportunity for an event permit, before the Governor allowed the opening of movie theaters.

Mr. Davis interjected that the request is for the long-term, which prompted this option.

Mr. Stebe questioned whether there will be overflow light onto Green Manor Boulevard. He also speculated on whether this will be economically viable once there can be a larger percentage of occupancy in the theater.

Mr. Davis responded that there will not be overflow light because the light does not penetrate through the screen. He added that the screens will be angled in such a way that people would have to be in the parking lot to see the screen. Mr. Davis reported that there is an outdoor movie movement across the country. The Connecticut Association of Theater Owners recognizes that this pandemic has prompted theaters to evolve into something that takes care of social distancing

concerns. In his opinion, this will benefit the theater, but only time will tell. Mr. Davis reported that there has been tremendous positive feedback about the proposal.

Mr. Stebe requested confirmation that the indoor and outdoor movies will not overlap, which Mr. Davis confirmed.

The Chairman opened the meeting to the public.

Mr. Michael Ingram speculated that people will try to go through the woods to watch a movie. He is concerned about noise, obviously not from the screens, but from moviegoers leaving, as he lives behind the theater. In addition, Mr. Ingram said he is concerned about the impact to his home's value or his ability to sell his property.

Mr. Mike Licamele with Manchester I, LLC, expressed his very strong support for the application. He explained that the theater is intended to be integrated into their proposed development and they are interested in the theater's financial viability. In the post-COVID-19 world, Manchester I, LLC seeks to keep open areas in the event of a future pandemic, and noted that it would take some time for the development to begin at Broad Street and expand over near the theater. Mr. Licamele explained that would give time to test the outdoor theater and determine how to integrate it into their plan.

Mr. Davis appreciated Mr. Ingram's concerns, and noted that Parkade Cinemas has been in existence for 50 years. The parking lot has been used much more than it will be by spacing cars for the outdoor movies.

Mr. Prause questioned whether the theater has a plan to have staff on site to escort cars out of the parking lot and ensure that moviegoers leave the parking lot promptly.

Mr. Davis stated that they are implementing a system to ensure vehicles leave promptly, and noted that patrons have been parking in that parking lot for many years. He said there have been occasions when people have been disruptive when they are in the parking lot, but the police have a strong presence and are there every day on the hour.

Mr. Stoppelman sought confirmation that the parking lot on Broad Street has a fence to prevent people from walking into the theater parking lot.

Mr. Davis reported that there is not, nor will there be, a fence. He reiterated that there will be staff posted outside.

MOTION: Mr. Kennedy moved to close the public hearing. Mr. Stebe seconded the motion and all members voted in favor.

The Public Hearing was closed at 8:05 P.M.

I certify these minutes were adopted on the following date:

July 20, 2020

Date

Eric Prause, Chairman

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