

MINUTES OF PUBLIC HEARING OF WEST HARTFORD TOWN COUNCIL ON A  
 PETITION FROM SAMUEL GLOVER, OWNER OF PROPERTY AT 970 NEW  
 BRITAIN AVENUE REQUESTING CHANGE OF ZONE FROM BG TO IG TO  
 PERMIT CONSTRUCTION OF DRIVE-THRU WINDOW FOR PREMISES  
 CURRENTLY DEVELOPED AS DUNKIN' DONUTS

January 26, 1993

Council Chambers

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President Sandy F. Klebanoff called the hearing to order at 7:32 p.m.

President Klebanoff: We seem to be missing one member and if we proceed is that all right with you? We would be one short.

Mr. Ziaks: That would be fine.

President Klebanoff: Thank you. Would you please call the roll.

Present were Council Zoning Alternate Robert Bouvier for Councilor Linda I. French and Councilors Tom Johnson, Sandy F. Klebanoff, Charles R. Matties, Madeline S. McKernan, Carole Mulready, Larry Price and Andy Schatz. Councilor Owen Eagan arrived at 7:40 p.m.

President Klebanoff: Mr. Feldman do we have a presentation?

Barry M. Feldman, Town Manager: Madam Mayor, I believe Mr. Foster has a brief presentation.

Donald R. Foster, Town Planner: I have some slides if the Council would like to see them. For reference purposes, the location of the property is just off the end of Piper Brook, the reservation where it goes underneath New Britain Avenue and then passes into the Park River. The property is to the right at the end of that. The zone patterns in the area as you see from the zoning map are predominantly BG, general business or IG, general industrial. There is a residential community to the east side of Piper Brook and south of New Britain Avenue but predominantly along New Britain Avenue we have a BG zone pattern backed by IG on both sides. The petitioner's request would connect, if the IG zone were granted, it would connect to an IG zone on the north side of the Park River so it doesn't float, or it is not a spot zone in that regard.

This is the property in question, Dunkin' Donuts and the zone application before you is just simply for a zone change from the BG zone to IG, a request for a zone change to establish an as of right aspect on the property to be able to use the property in a way indicated in the IG zone. The purpose of that change as indicated in the material that was provided is so that they can establish a drive up window.

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The IG zone and the IR zone are the only two zones in town where a drive up window for a restaurant is permitted. Hence, the applicant has made that application.

Councilor Price: That was IG and IR?

Mr. Foster: IG and IR that is correct. Standing on the South Side of New Britain I just rotated to the west of the Dunkin' Donuts, you get to the Jiffy Lube store. You see our corporation yard across the Park River in the north. Rotating a little further past Jiffy Lube Towne Fair and some of the other auto service oriented businesses that exist along New Britain Avenue. Coming back in the center you see the posted sign on the right just in front of the white car there so we have a legitimate hearing from the standpoint of posting of notice on the property. Now rotating to the east from the Dunkin' Donuts the Sunoco gas station which is the immediate abutter of the property and then on the north side you see in the distance Caldor and then the Piper Brook flood control project. Here is a little closer view proof of producing the sign on the property so we solve that problem this time. Here is generally the north side of the building. This would be the area if the zone were granted where the drive up window would be proposed. There would seem to be adequate room to bring vehicles around this side of the building and with proper design configurations it would seem possible to meet all the criteria. Here again just looking at the Jiffy Lube which is the immediate abutting property on the left. This is around on the other side of Dunkin' Donuts. The cars would come from the back side and then rotate around. It would require a relocation of the dumpster. Here are some of the properties on the south side of New Britain Avenue, the Piper Brook Lounge and then Food Mart and other service commercial industrial type uses.

Marjorie Wilder, Corporation Counsel: On that strip of New Britain Avenue could you tell us where the different zones are?

Mr. Foster: Everything you see both sides here would be a general business zone, BG. There is interestingly, I have one more shot here, you will see, it is kind of hard to see here but everything you see in the parking lot is a BG zone. As you move over to what was known as Channel Plaza, now Salvation Army Plaza, all of that shopping center is in an IG zone. That is the McDonalds Restaurant where we have authorized under your provisions for a drive-up window. You authorized a drive-up window there. McDonalds is located in an IG zone so the setting I think you would have to conclude is somewhat general commercial in its nature. You see again that zone pattern area that I was referencing, too, for McDonalds. They are located right in here. You have a

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fairly in-depth BG zone here where Waldbaums and Caldor are located, a fairly narrow band on the north side related to those commercial industrial uses along the roadway. That is all the slides I have.

You have a recommendation from your Planning Commission which was a unanimous recommendation making three findings. The proposed map amendment will allow the applicant to submit a site plan to permit a drive-up window associated with his restaurant. Along the north side of New Britain Avenue proximate to the subject property the predominate land uses are automobile oriented and three the IG and BG zones are very similar in their list of allowable land uses. A change to IG of such a small parcel will not adversely affect the land use pattern existing in this area. It signed Shirley Marsh, Chairperson of the Planning Commission.

President Klebanoff: Thank you Mr. Foster. Any questions for Mr. Foster from members of the Council? Mr. Matties.

Councilor Matties: Can you tell us anything of any substance that would be changed by changing the zone from what it is to what it would be? I know it will permit the drive-up but what else?

Mr. Foster: The zones are very similar as to their development standards and to their allowable uses. The predominate uses in the list of permitted uses if you move to the IG zone uses that would not be allowed in the BG but would be in IG are retail fire arm stores, vehicular intensive businesses which would require a special use permit, that would be a truck service operation. It would have large numbers of vehicles or something of that sort, passenger automobile rental agencies, contractor yards, junk yards which are regulated by special use. The other vast array of uses is essentially the same. The BG zone does permit most industrial uses, manufacturing as well as retail sales. It is a heavy commercial type zone essentially similar to the IG.

President Klebanoff: Are there further questions? Mr. Price.

Councilor Price: I'm sure if my memory is correct, this is the first time since we changed the drive-thru provision that we have had a request for a zone change to permit that, is that right?

Mr. Foster: I would say yes that is correct.

President Klebanoff: Mrs. Mulready.

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Councilor Mulready: Could I just ask what the change in the drive-thru bill was or what that provision was?

President Klebanoff: Mr. Price do you want to explain it?

Councilor Price: Just quickly, we allowed the drive-thru windows in the specific zone and I'm sure that is what the applicant is doing, taking advantage of the zone change so that they can utilize the drive-thru provision.

Councilor Mulready: So that drive-thru was added to the IR zone?

Councilor Price: Right.

President Klebanoff: Are there further questions? I would just like to note for the record that the following documents have been received as exhibits. We have the actual application dated November 30, 1992, the TPZ's unanimous recommendation of approval dated January 8, 1993, the Capitol Region Council of Governments referral to us noting no problem and then we have the memorandum to Donald Foster from Ms. Limson the Associate Planner. I believe those are the only documents that we have received. Mr. Schatz.

Vice President Schatz: Don, what would be permitted in an IR zone as opposed to the IG zone.

Mr. Foster: I'm not sure. I was anticipating IG questions and not the IR. I think the IR is a more restrictive zone holding back on, it has a significant larger lot restriction.

Vice President Schatz: The reason for the question is is there any reason that their request here is to go to a IG rather than an IR?

Mr. Foster: I think this is simply the proximity of the IG zone throughout this whole area. The only place the IR zone exists. There are only two locations in town in and around the Coltec property and on it and in the north up on the interstate where the Roy Rogers is located. That is the only other location where the IR zone is. Here you have the McDonalds I pointed out in the slides that is immediately in this area and that is in the IG zone so I think it is the applicant's feeling was we are going to ask for a zone change and the IG was most appropriate.

President Klebanoff: Mrs. Wilder.

Mrs. Wilder: Just to help out the only uses that differ is that a cemetery is permitted on an IG zone and not in an IR

zone. The other permitted uses are the same in the IR and IG zones all the way down.

President Klebanoff: Are there further questions? Mr. Price.

Councilor Price: Don, I'm curious was there any discussion about traffic egress as it affects the drive-thru window on this? I mean with the TPZ. Were you there?

Mr. Foster: Yes. There was a certain amount of concern I think. Several of the Commissioners I believe had visited the site and they saw that northern open area and it does seem to be adequate. There was a question about, I think from someone on the Council regarding the development standard, the specific restriction that came on with the drive-up window requirement is you established a requirement that there be ten car stacking available to the service window and then two spaces past that so that takes a considerable size site to be able to meet that kind of a criteria. It does appear to us that the site can meet that standard. I think in our report we indicated to you we weren't sure if suddenly everyone decided they wanted to go to IG if we grant this, that something like Colonel Sanders in this area, if it would be able to meet the criteria, because that is a smaller site and a much tighter configuration. This is probably in our judgment one of the few places on site in the area they can go ahead and meet that ten stacking requirement.

President Klebanoff: Are there any questions? Mr. Schatz.

Vice President Schatz: Just so I understand, Don, the uses that are listed on Mila Limson's memo, that is the retail firearms store, the passenger automobile rental agency, contractors yard, are all uses which currently could be done in the shopping center across the street without a special use permit.

Mr. Foster: That is correct.

President Klebanoff: Mr. Price.

Councilor Price: Don, if we were to approve this and found that somewhere down the road the traffic did become a problem entering and exiting because of volume of traffic coming down New Britain Avenue, what would the town do or what recourse would we have to try to work with the owner to improve the traffic flow through the property site if any?

Mr. Foster: Once we approve the site plan there is not a great deal we can do. Obviously if we have a high safety hazard situation we would always urge cooperation but I

think as far as putting any arm on anyone it wouldn't exist.

Councilor Price: The reason I ask that is just looking down the road, if Westfarms ever were to come to being and the New Britain Avenue traffic were to pick up, I just wonder what would happen to all those properties.

Mr. Foster: Basically the small properties like this when they are allowed to develop and you approve a site plan, a special development district or what ever development title you give, we have to live with our mistakes as well as our successes.

President Klebanoff: Mrs. Mulready.

Councilor Mulready: In the plan that was submitted was there any comment about how traffic would flow right in front of the store? I mean the picture that you showed with the vehicles parked in the front looked as if somebody was probably parked there that really would have used the go around the back because he carried out a whole bunch of things.

Mr. Foster: I can only say that I made an observation when I did the photographs this morning that the ambulance that was there, the driver that came out had about six cups of coffee and I'm sure he would have loved to have a drive-up window and not have to deal with that. I'm just wondering if that might in fact...

Mr. Foster: That is not really a significant sample.

Councilor Mulready: I was just wondering though if that area in front of the store would stay open the way it is or would it be used for parking or would it be used as just a travel thru lane.

Mr. Foster: That will depend again on what happens with the site plan. The current site plan has designated parking spaces in that area. What you observed there were people in the parking areas as well as in the drive aisles. They were obstructing that part. There are some definitive parking spaces along the east side of the property and the west as well. There will be a shuffling of all of that when we do the site plan presuming you act on this favorably and then we would administratively then look at the site plan to be sure things work and meet our minimum standards of the parking regulations.

President Klebanoff: Are there further questions? If not, will the applicant care to make a presentation?

Mr. Ziaks: Good evening. My name is Dave Ziaks. I am a

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professional engineer with the firm of F.A. Hesketh & Associates. We prepared the preliminary drawings that have been submitted to staff thus far in our discussions with them on a preliminary site plan. As usual Mr. Foster has done an excellent job in giving you all the background data so I won't elaborate any more on that but what I would like to do is just maybe discuss very briefly with you the preliminary site plan just to give you maybe a little more comfort level in how this drive-in window might work on this property and some of the benefits that we think it will bring to the property. What I brought along, I think I'll just hold it up here instead of bringing it over there if that would all right. This is a little colored rendering of the preliminary site plan that we have given to staff through the application.

Presently the building is located somewhat in the center of the site. The site is about four tenths of an acre in size and there are two driveway cuts on New Britain Avenue, one on the east and one on the west side. There is some parking located on the east side and some parking located on the west side. The back portion of the property right now is paved but it is used mostly for loading areas and some employee parking back there. The plan would be to maintain the two driveways but right now the flow is in or out at both driveways and they cut across. Cars will cut across in both directions across the front depending on whether a car is parked there or not. The plan is to convert or maintain the easterly driveway as in and out but convert the westerly driveway to out only so if you were to come in and wanted to park and go into the restaurant you would come in on the east side. You would utilize one of the parking spaces here or possibly the three remaining parking spaces that would be left along the front of the building. The traffic pattern will be restricted to across the front to the west in front of the building when all the signage and when the improvements are made on the site. Right now you can go in either direction but we will sign it in such a way that you will only be able to go to the west and exit the site at the westerly side.

If you want to go into the drive-in window you will enter again on the easterly side, be directed up towards this portion of the site and the stacking area will wrap around the back of the building and actually the drive-in window would be located on the westerly side of the building in a small addition. The building was actually constructed to accommodate a driveway or a drive-thru in the event that an ordinance was changed to allow it. The spot location of the drive-thru was originally going to be located on the north side of the building but when you enacted your ordinance you put in the stipulation that you need ten stacking spaces which makes sense so there will have to be some minor interior renovations to the building and this addition on the westerly side of the building in order to accommodate full ten stacking spaces at the window. There will be menu

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boards placed along the way so that you can observe the menu before you get to the window and place your order and we are going to leave three parking spaces here along the westerly side which will give an opportunity for anyone who has an order that can't be completed immediately they would be able to pull off to that side and an employee from the restaurant would bring out the special order as soon as it is ready.

The dumpster would be located slid over a little bit to the westerly side and repositioned and screened and the plan is to generally upgrade the site, add some landscaping and there will have to be some minor facade improvements to the building here to accommodate the new drive-thru. All in all I think there will be some improvement to the overall traffic patterns on the site because right now as Mr. Poster pointed out you will get cars waiting across the front of the building here actually with their engines running sometimes from what I understand from the operator and people are sort of using the front door as a drive-thru window right now so our thoughts are that if we can get them up and utilizing the drive-thru window that will improve the overall circulation of parking on the site. In a way we are actually gaining ten parking spaces if you want to look at it from that point of view. Any questions?

President Klebanoff: Any questions for Mr. Ziaks? Thank you very much. I noticed there was no one who was signed up but is there any member of the public with us this evening who wishes to address us on the issue of this public hearing? If not, are there further questions from Council? I assume you do not wish to sum up Mr. Ziaks. If not, we will adjourn the public hearing.

The hearing adjourned at 7:55 p.m.

Norma W. Cronin  
Recording Secretary