

MINUTES OF PUBLIC HEARING ON A PETITION FROM PIZZERIA UNO OF WEST FARMS, INC. FOR AMENDMENT TO SPECIAL DEVELOPMENT DISTRICT DESIGNATION FOR PROPERTY LOCATED AT WEST FARMS MALL TO ALLOW USE OF OUTDOOR CAFE AREA ADJACENT TO RESTAURANT FOR OUTDOOR DINING

March 9, 1993

Council Chambers

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President Sandy F. Klebanoff called the meeting to order at 7:36 p.m.

Present were Councilors Owen Eagan, Council Zoning Alternate Robert Bouvier for Linda I. French, Tom Johnson, Sandy F. Klebanoff, Charles R. Matties, Madeline S. McKernan, Carole Mulready, Larry Price and Council Zoning Alternate Martin Clayman for Andy Schatz.

President Klebanoff: For the record we have received the application which is dated the 14th of December, 1992. We have a recommendation from the TPZ dated March 4, 1993 recommending approval of the application and we have a March 3, 1993 letter from Donald Foster to Mr. Nordstrom which was the proposal also. I also have received from Mrs. Glass just a few moments ago a recommendation from CRCOG which I only have one copy of but it is the standard recommendation.

Councilor Price: Shocking. It is the standard recommendation from CRCOG.

President Klebanoff: I will read it if the Council wishes me to. They have no problem with the application. Mr. Feldman do you have a presentation?

Barry M. Feldman, Town Manager: I believe Mr. Foster has a brief one.

President Klebanoff: If Mr. Foster would be kind enough when he makes his presentation to explain to us precisely why we are being asked to hear this as opposed to your giving this your approval.

Donald R. Foster, Town Planner: I will ask the Corporation Counsel to give you a ruling.

Marjorie Wilder, Corporation Counsel: Madam Mayor, some time ago I'm reminded, although I can't really remember the details, that Don and I had an informal discussion about whether in a special development district which then seeks outdoor dining permit would also have to get an amendment to the special development district application. At that time I undoubtedly said yes because both Don and I thought in the standard outdoor dining kind of ordinance there would be significant changes to the outside of the structure as well

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as the addition of seats. It turns out that this particular application only has the addition of seating and no other or minor other changes to the outside of the structure so your question is well taken and had we known that at the time we talked about this in more general we would have said that Don would have the authority to do an administrative approval and come to you for rejection. So that is why it is here.

President Klebanoff: There is no chance to remedy the situation at this time, am I hearing? Could this in some way be turned into an administrative recommendation for a minor modification.

Mrs. Wilder: Mr. Foster seems to have some ideas.

President Klebanoff: I don't want to be presumptuous. Perhaps you don't wish to recommend this.

Mr. Foster: I didn't get a chance to discuss it with Mrs. Wilder but it just struck me as she was speaking that this decision really stemmed out of something that was really quite controversial and that was the Brown Thompson, Joe's American Bar and Grill outdoor dining area which was a fully completed area under which Corporation Counsel office looked at that and the concerns of sensitivity and the ruling stemmed out of that where Marge had given the guidance that that should be a special development district so if you deal with this one administratively because it is a finished area I think then we will have Joe's American Bar and Grill in that area asking for outdoor dining. The Planning Commission and the Council I think might want to look at this.

President Klebanoff: I'm sorry, now your presentation.

Mr. Foster: You are all familiar with the Westfarms area. Our zoning map and the special development district designation has the entire shopping center. You see the principle location and then the town boundary. I have highlighted and you really can't even see the specific location. The location of the outdoor dining area is right there, a very small segment in relation to the total land occupied by Westfarms Mall.

Councilor Price: Can you show us South Road up there? I'm just kidding.

Mr. Foster: We had on our CRCOG referral no response, nothing from Farmington so I guess we are okay on this application. Here is the facility. This exterior change occurred last year when Uno's had been in business for some time. They upgraded their general image with a new entry, modified the wall, took an area which is primarily a heavily landscaped area and we'll show that a little bit later. To

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the north of the property is one of the primary entrances to Westfarms and Filenes with their new sign. We all recognize that building as being G. Fox and suddenly it is re-signed and it is Filenes now. To the south is Sage Allen, that's another issue, changing dynamic in the neighborhood and then across the road we have Joe's American Bar and Grill, a pizza establishment and another shopping center.

The Uno's facility, quite a nice restaurant establishment proposes to establish a seating area in this patio area. You see quite a small area, four tables, maximum of sixteen chairs. Part of the proposal would be to fully secure this area and to have entrance only from the restaurant. That is completely consistent with our regulations that the Council has adopted dealing with outdoor dining. Waiter service will be required. The Planning Commission in making their recommendation to you established a some what more restrictive hour of operation than is found in our regulation. The outdoor dining regulation allows these enterprises to go to 10:00 p.m. The Commission recommended in their action that a restriction be in place for operation not later than a half hour after sunset.

Here is a couple of shots of that patio area. It has all been recently landscaped and really quite ready for occupancy for outdoor dining. In the center of the picture by the light pole is the advertising sign noticing the hearing so we are all in order there and you get a general view from New Britain Avenue. The use is well away from any residential use and shouldn't be of any impact to any residential homes in the area from a light, noise, odor standpoint to the neighborhood whatsoever. Those are our slides.

As I noted to you the Planning Commission transmitted two pieces of communication. The first their recommendation to you dealing with the special development district submission, they found that this is a small expansion of restaurant seating which not have an adverse impact on Westfarms parking availability. There was some discussion about lighting of the site and a concern for the sensitivity to that aspect. The Commission put a restriction as I noted half hour after sunset for the operational lighting or operational criteria. They didn't really deal with the lighting directly except to recommend to you that any lighting that gets installed be consistent with that criteria and they also indicated that security lighting be allowed. We provided for informational purposes the Planning Commission approval letter on the special use permit which dealt with the use aspects of the proposed. They did impose that operational condition a half hour after sunset.

The applicant has provided a quite detailed operational

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statement about the use and the Commission referenced that and that is in your packet of information provided as part of the application. They indicated that the use should operate under those parameters. Any questions?

President Klebanoff: Mrs. McKernan.

Councilor McKernan: Mr. Foster, please, the outdoor dining not to be occupied one half hour after sunset, do we have some kind of an ordinance? Is that why we do that? Who could possibly be offended if that sat there for two hours after sunset?

Mr. Foster: Corporation Counsel maybe will help me out here. The Commission when they approved the special use permit imposed a condition that the use not be allowed to operate later than one half hour after sunset. That was as a result of some of their concerns about security and control and so on. We have an outdoor dining ordinance. It is listed in our zoning code under accessory uses and it allows outdoor dining accessory to a restaurant and within that there are some operational standards one of which is you can operate until 10:00 p.m. Recognize I am in a difficult role here. I am standing here before you as Planning secretary representing the Planning Commission and I am also the Town Planner. That condition is questionable I think and maybe Marge can give you some guidance on that.

President Klebanoff: Perhaps you might want to do that Mrs. Wilder.

Councilor Price: There is a pregnant pause there.

Mrs. Wilder: Pause but not pregnant.

Councilor McKernan: I guess my question is why is this a condition for this particular restaurant different from what we have in the ordinance about 10:00 o'clock and particularly at such a location. I mean there are no residents around and the other businesses...

Mr. Foster: I think the discussion revolved around real late hours and possible drinking going on and possibly security problems that might result from that so the Commission felt that there should be a little more restrictive hour of operation. Probably during the summer time when the use of this will operate predominately, you are not really talking about a big gap in time either. Nine o'clock sunset, half hour after that is 9:30 but there is a difference.

President Klebanoff: Mr. Price.

Councilor Price: Carrying this further, what if they wanted

to show spaghetti westerns or play, I'm serious, sitting outdoors Uno's is not going to be the most, as Madeline said there is not a lot of ambience there so maybe they would want to pipe in some music and there is no restriction on that, is that right? Could they do that?

Mr. Foster: There is no specific restriction on music except to the extent that the operation would have to end half hour after sunset. That does not apply to the indoor aspects of the restaurant.

Councilor McKernan: I understand that.

Mr. Foster: We are dealing only with the outdoor dining segment.

President Klebanoff: You mentioned Mr. Foster the potential security aspects of this. Was that a concern of the Commission? Were they worried about outsiders jumping over the fence or those who are dining? I'm curious.

Mr. Foster: I think at least from the dialogue that went on at the meeting, there was a concern about the management of that operation. There will be alcohol served and I guess there was a concern that the later in the night that got the more likelihood it might be that alcohol would be passed over the wall to someone, that someone dining out there alone might possibly be threatened if it got to be 10:00 o'clock, so they selected this.

President Klebanoff: Thank you. Are there any further questions for Mr. Foster? Does the applicant wish to address the Council at this time?

Mr. Keenan: Madam Mayor, honorable members of the Council, I am Greg Keenan. I am the permittee and I'm also Vice President of Development for Pizzeria Uno.

President Klebanoff: Welcome.

Mr. Keenan: Thank you. It has already been stated and I don't want to take any more of your time than necessary. There is a retaining wall around this outdoor dining site that stands forty some odd inches tall and it is totally in keeping with the front of the Westfarms Mall. Behind that we plan on putting four tables each with four chairs around it and for there to be a gate for emergency exit on either side so that no one can get in or out of this area except through the restaurant.

I guess I would just like to take a minute to describe Uno's. If you don't know it we are a family type restaurant. Yes, there is alcohol served. However, alcohol or bar

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business is not our business. Alcohol is really served as a compliment to the meal and I would say that we traditionally serve less alcohol as compared to food sales than most casual theme restaurants. I would also like to emphasize in the operation of this there will always be someone assigned to the area and we are exceptionally conservative in the way we serve alcohol. It is our company policy to assume that anyone who even looks under 30 needs to be identified as someone who can legally drink because you really can't tell. We have a very, very good record in terms of our responsible handling of liquor. I'm available for any questions.

President Klebanoff: Thank you. Are there any questions?  
Mr. Clayman.

Mr. Clayman: Mr. Keenan, are you familiar with the operation of other Pizzeria Uno's in the general facility? I know there are others around.

Mr. Keenan: Yes, I am.

Mr. Clayman: I'm just wondering whether or not others have had outdoor dining facilities and if there are any examples that you could point to.

Mr. Keenan: We actually have quite some experience in outdoor dining. We are in the South Street Seaport in New York City and have some eighty outdoor dining seats. We are in Inner Harbor in Baltimore and have some sixty five outdoor dining seats and I was personally responsible for running those two operations a couple of years ago so I am very familiar with our procedures and policies. We find that these areas are exceptionally attractive to people during weather that is comfortable and that it furthermore adds to the character and casualness of the restaurant itself. We designed the front of this restaurant with cafe doors straight across to give it I think a comfortable and leisurely type character. Our purpose in having the outside dining is not in this case to add significant seating. We have some one hundred and forty seats in the restaurant itself so much as it is to identify us with the character that that cafe suggests.

President Klebanoff: Are there further questions? Thank you.

Mr. Keenan: Thank you.

President Klebanoff: Is there a sign up sheet for this public hearing, Mr. Eagan?

Councilor Eagan: No, there is not Madam Mayor.

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President Klebanoff: Thank you. Is there any member of the public who wishes to address the Council on the subject of this zoning application? If not, last chance. Are there further questions? Mr. Keenan did you wish to use any time to sum up?

Mr. Keenan: Madam Mayor, no.

President Klebanoff: If not, I will close the public hearing.

The hearing adjourned at 7:55 p.m.

Norma W. Cronin  
Recording Secretary