



TOWN PLAN AND ZONING COMMISSION
PUBLIC HEARING AND SPECIAL MEETING
Wednesday, August 10, 2016

Town Hall Conference Room L-101
131 Cedar Street, Newington, CT 06111

7:00 p.m.

A G E N D A

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL AND SEATING OF ALTERNATES
- III. APPROVAL OF AGENDA (this is a Special Meeting, so no new items may be added)
- IV. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)
- V. ZONING ENFORCEMENT OFFICER REPORT
- VI. REMARKS BY COMMISSIONERS
- VII. PUBLIC HEARING
 - a. Petition #30-16: Zoning Text Amendment (Section 3.19B: Newington Junction TOD Overlay District). Town Plan and Zoning Commission, applicant. Continued from July 27, 2016.
 - b. Petition #33-16: Special Permit (Section 3.15.4: Drive Through Restaurant) at 3120 Berlin Turnpike (Panera Bread). Norr Architects, applicant; Newington VF LLC, owner; Bryan Slonski, 325 N. LaSalle Street, Chicago IL, contact. Continued from July 27, 2016.
 - d. Petition #35-16: Special Permit (Section 3.2.9: Daycare) at 41 West Hartford Road (Temple Sinai). Family Tree Childcare, applicant; Temple Sinai of Newington Inc., owner; Jean Sutton, 117 McDowell Road, Middletown CT, contact. Continued from July 27, 2016.
 - e. Petition #37-16: Special Permit (Section 6.3.6: Special Flood Hazard Area) at 593 Cedar Street. iHeartMedia, applicant; SFX Broadcasting of CT, owner; Rick Walsh, 10 Columbus Boulevard, Hartford CT, contact. Continued from July 27, 2016.
- VIII. APPROVAL OF MINUTES
 - a. Regular Meeting of July 13, 2016

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2016 AUG -4 AM 10:50

BY *Tanya D. Leman*
TOWN CLERK

IX. NEW BUSINESS

- a. Petition #34-16: Site Plan Modification (Drive-Through Lane) at 3120 Berlin Turnpike (Panera Bread). Norr Architects, applicant; Newington VF LLC, owner; Bryan Slonski, 325 N. LaSalle Street, Chicago IL, contact.
- b. Petition #36-16: Site Plan Approval (Section 6.3.6: Special Flood Hazard Area) at 593 Cedar Street. iHeartMedia, applicant; SFX Broadcasting of CT, owner; Rick Walsh, 10 Columbus Boulevard, Hartford CT, contact.

X. OLD BUSINESS

- a. Alumni Road Traffic Signal.

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

- a. Petition #38-16: Special Permit (Section 3.2.4: Free-Standing Business Signs) at 2288 Berlin Turnpike and Prospect Street. Parth Patel, owner; Hartford Sign & Design, applicant; Darin Senna, 328 Governor Street, East Hartford CT, contact.

XII. TOWN PLANNER REPORT

- a. Town Planner Report for August 10, 2016

XIII. COMMUNICATIONS

- a. CRCOG Zoning Reports to Berlin, Farmington, Hartford, and West Hartford TPZ.

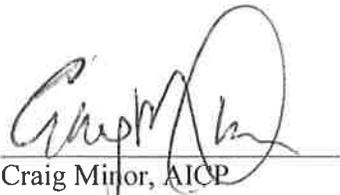
XIV. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

XV. REMARKS BY COMMISSIONERS

XVI. CLOSING REMARKS BY THE CHAIRMAN

XVII. ADJOURN

Submitted,



Craig Minor, AICP
Town Planner



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Zoning Board of Appeals

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Michael D'Amato, CZEO
Cc: Craig Minor,
Date: July 19, 2016
Subject: **Case Summary: Reed V. Gilbert**

Case Outline

During the July 13 meeting of the TPZ, Commissioners asked that staff provide the Board with a brief summary and outline of the recent Supreme Court decision regarding the regulation of temporary signs as it relates to free speech.

On June 18, 2015 the Supreme Court issued a decision with 4 concurring opinions in a case between Reed, ET AL. v. Gilbert, Arizona. The Town of Gilbert had Comprehensive Zoning Regulations that prohibited the display of temporary signs without a permit. However, their regulations specifically made certain types of temporary signs exempt for requiring any permit from the Town. Those sign types included "political signs", "ideological signs" and "temporary directional signs". Gilbert's Regulations went on to allow different time frames and size restrictions for each type of "exempt" sign. Ultimately, a local church was cited for violating this regulation by exceeding the timeframe allowed for the type of sign they were displaying.

Good News Community Church (church) argued that because the type of sign determined its allowable size and timeframe it could be erected, the Town was infringing on their right to free speech and was treating other events/entities within the Town differently by allowing larger signs or signs to be left up for a longer period of time.

The Supreme Court found that regulations which treat signs differently based on their content are unconstitutional, and ultimately overturned the previous decisions and sided with Reed (church).

What does this mean for Newington?

There is much to be learned from this case as the Town moves into a potential change to the sign regulations and in doing so should consider this decision. Justice Alito in his concurring opinion provided insight into what a "content neutral" sign regulation might regulate.

Phone: (860) 665-8575 Fax: (860) 665-8577
mdamato@newingtonct.gov
www.newingtonct.gov

- Size
- Location
- Distinguishing between illuminated and non-illuminated.
- Distinguishing between fixed message signs and message centers.
- Distinguishing between signs on public and private property.
- Distinguishing between signs on commercial and residential property.

Towns can only regulate signs based on their location, size, and material. What this means is that the Town cannot regulate political signs, temporary business signs, community event signs or any other type of sign differently. The Commission can regulate signage based on property type (zone), but you cannot regulate who puts them up. If you choose to allow signs in a specific zone, you must allow all signs regardless of their message.

To further clarify this point: TPZ has talked in the past about a change to the temporary sign regulations that would prohibit business signs town-wide but allow for “community event” signs to be erected. Because this type of regulation targets the group who is erecting the sign, rather than the location, size or material of the sign being put up, it would not be aligned with the Gilbert decision and would be open to appeal on the grounds of being unconstitutional.

cc:
File



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP *CM*
Date: August 1, 2016
Subject: **Petition #30-16: Newington Junction TOD Overlay District Text Amendment and Map Amendment (New Section 3.19B). TPZ, applicant/contact.**

Summary:

The Newington Junction TOD Overlay District regulation will allow smaller scale, pedestrian-oriented, mixed-use development within walking distance of the CTfastrak station. The regulation is based on the Cedar Street Station TOD Overlay District regulation adopted earlier this year by TPZ, but it reflects the very different character of the Newington Junction neighborhood.

Comments:

1. At the public hearing on July 27, 2016 the following concerns were raised:
 - a. **Restaurants in Mixed-Use Buildings:** A citizen stated that the odors, oily fumes, and fire hazards associated with restaurants make them a bad mixed-use partner. However, some restaurants (such as a sandwich shop, or a coffee house) do not present these problems. The proposed regulations should be revised to address this concern.
 - b. **Reduction in Required Greenspace:** A citizen questioned the logic of encouraging public gathering areas, but at the same time allowing the reduction of green space. The reasoning behind this incentive is to enable smaller front, rear, and side yards, and to enable “zero lot line” development typical of town centers, which is currently permitted in the Newington Town Center Overlay District (Section 3.12A). The proposed regulation should be revised to clarify this intent.
 - c. **Lack of Compliance Enforcement in the Past:** A citizen complained that special permit activities have been approved with conditions, but those conditions were not strictly enforced. One way to partially address this is to require the permittee to submit periodic reports on their compliance with the conditions. These will be less likely to “fall through the cracks” because concerned citizens will be watching.

Phone: (860) 665-8575 Fax: (860) 665-8577
townplanner@newingtonct.gov
www.newingtonct.gov

d. Reduced Parking Requirements: A citizen raised the concern that reduced parking requirements will result in customers and employees parking on the street in front of residences. This is a valid concern, and it can best be addressed on a case-by-case basis. An applicant who wants to take advantage of this incentive will have to convince TPZ during the public hearing that his project will not result in undue on-street parking in a residential neighborhood.

e. Incompatible Uses in or near Residential Zones: A citizen asked, “Will I get a bar next to me?” The proposed regulation allows mixed-use development (two or more dissimilar activities in the same building or parcel), provided one of the proposed uses is allowed in the underlying zone. For example: apartments in commercial buildings are not allowed in the R-12 zone. Restaurants (which includes bars) are not allowed in the R-12 zone. Retail stores, banks, and professional offices are not allowed in the R-12 zone. I would therefore say that no bar or restaurant could be approved for the parcel next to her house.

But this does speak to the issue of “buffers”, which Commissioner Sobieski also brought up during the hearing. The zoning regulations currently require a 25’-wide landscaped buffer area wherever a commercial site abuts a residential zone. In the buffer area there must be a 15’-wide swath completely filled with evergreen trees. I suggest the Commission keep the 25’ buffer, but allow some flexibility in how it is landscaped. It might be more appropriate to allow a small park or flower garden instead of a forest of evergreen trees. Again, this would all be subject to TPZ approval after a public hearing where the neighbors would be invited to express their preferences.

cc:
file

**Newington Junction
Transit-Oriented Development (TOD) Overlay District**

Text that differs substantially from the Cedar Street Station TOD Overlay District is shown in ~~bold strikethrough~~ or in bold underline.

[new] **Section 3.19B Newington Junction Transit-Oriented Development (TOD) Overlay District**

1. General:

a. The Newington Junction Transit-Oriented Development (TOD) Overlay District is an overlay of parcels within approximately ½ mile of the CTfastrak station at 160 Willard Avenue.

b. The use of land, buildings and other structures within the Newington Junction TOD Overlay District shall be established and conducted in conformity with either: (a) the underlying zoning classification, or (b) the requirements of Paragraph 5 of this Section. This is not intended to prohibit any use permitted in the underlying R-12, Residential Planned (RP), Business (B), or Industrial (I) zones. Rather, its purpose is to give property owners the ability to use the parcel's proximity to CTfastrak to leverage development of greater community and/or economic value.

c. The creation of this overlay district is in accordance with the 2020 Plan of Conservation and Development's General Goal of locating "smaller mixed land uses adjacent to future transit stations when they are established", and the Strategy of establishing TOD sites "at appropriate locations when transit stations have been established" (Page 24 of the 2020 Plan of Conservation and Development).

d. The Newington Junction TOD Overlay District is approximately bounded on the north by the West Hartford municipal boundary, on the west by West Hartford Road and Fenn Road, on the east by Francis Avenue and Day Street, and on the south by Chapman Street and Fennwood Circle.

2. Purpose:

a. The purpose of the Newington Junction TOD Overlay District is to promote **smaller, pedestrian-oriented, mixed-use** development within walking distance of the CTfastrak station at 160 Willard Avenue which will grow Newington's grand list, create employment opportunities, and provide Newington residents with additional retail, commercial, residential and entertainment opportunities without substantially impacting the existing character of the neighborhood.

- - - PROPOSED - - -

**Newington Junction
Transit-Oriented Development (TOD) Overlay District**

Text that differs substantially from the Cedar Street Station TOD Overlay District
is shown in ~~bold strikethrough~~ or in bold underline.

b. This purpose will be achieved through the following specific objectives and uses:

1. Mixed-use development, which will provide opportunities to live, work, shop, and/or be entertained within a single project, and when appropriate, in the same building.
2. Dining and entertainment clusters.
3. Bioscience, advanced manufacturing, aerospace engineering, information technology, and other advanced technologies.

3. Definitions:

a. “Mixed-use development” shall mean development on a single parcel (or adjacent parcels with shared parking) that contains at least one of each of two or more of the types of uses listed below:

1. Retail (including dining and entertainment)
2. Office (including medical and other personal service)
3. Industrial (including research and light manufacturing)
4. Residential, not to exceed ten units per acre.

b. “Dining and entertainment cluster” shall mean development on a single parcel (or adjacent parcels with shared parking) that contains two or more restaurants, bars, theaters, or entertainment venues.

4. Incentives:

a. Development proposals that contain any of the “specific objectives and uses” described in Paragraph 2.b may be eligible for the following incentives:

1. Less mandatory landscaping (i.e. more useable floor area).
2. Less mandatory on-site parking.
3. Reduced front, side, and rear yard setbacks.

b. Eligibility for the above incentives will be based on the following:

1. The need for the proposed activity, as determined by the TPZ.

--- PROPOSED ---

**Newington Junction
Transit-Oriented Development (TOD) Overlay District**

Text that differs substantially from the Cedar Street Station TOD Overlay District is shown in ~~bold strikethrough~~ or in bold underline.

2. The public benefit of the proposed activity, as determined by the TPZ.
3. Public amenities included in the proposed activity.
4. The extent to which the proposed activity enhances vehicular and pedestrian circulation in the TOD Overlay District.
5. Architectural and/or functional compatibility of the proposed activity with nearby buildings and activities.

5. Procedure:

a. Any application for approval of an activity that complies with the underlying R-12, RP, B or I zoning shall be processed in accordance with the section or sections of the zoning regulations relevant to that zone.

b. Any application for approval of an activity that does not comply with the underlying R-12, RP, B or I zoning but includes one or more of the “specific objectives and uses” listed in Paragraph 2.b shall be processed in the manner outlined below.

1. No single use may be permitted that is not allowed in the underlying zone. However, a mixed-use development may be permitted so long as at least one of the uses is allowed in the underlying zone.

2. The applicant shall apply for a Special Permit in accordance with Section 5.2. The application shall include the following:

A. A detailed description of the activity, and how it promotes the purpose of the Newington Junction TOD Overlay District.

B. If the application proposes to utilize any of the incentives listed in Paragraph 4.a, the application shall include a report prepared by an appropriate professional with detailed descriptions of the following:

- 1) The need for or benefit of the proposed activity;
- 2) Architectural or functional compatibility with adjacent or nearby buildings and activities; and
- 3) Public amenities included in the proposed activity.

3. The applicant shall apply for Site Plan Approval in accordance with Section 5.3 of the zoning regulations. The site plan shall address the following:

**Newington Junction
Transit-Oriented Development (TOD) Overlay District**

Text that differs substantially from the Cedar Street Station TOD Overlay District is shown in ~~bold strikethrough~~ or in bold underline.

A. The layout of streets, alleys, lots, building sites, and other elements of development shall be designed to maximize safe and convenient vehicular and pedestrian access to the CTfastrak station and, where appropriate, provide the views and community amenities that help define the CTfastrak station as the focal point of the District.

B. Vehicular and pedestrian circulation systems shall be designed to allow vehicular and pedestrian cross-access to existing or allowable development on adjoining lots.

C. Driveway curb cuts are allowed only if vehicular access cannot be provided via a cross-access easement. Driveway curb cuts shall be no wider than 24 feet and shall be located at least 50 feet from a street intersection and at least 100 feet from another driveway curb cut on the same block face.

D. All development in the Newington Junction TOD Overlay District pursuant to this Section shall provide sidewalks along any State, Town or private street.

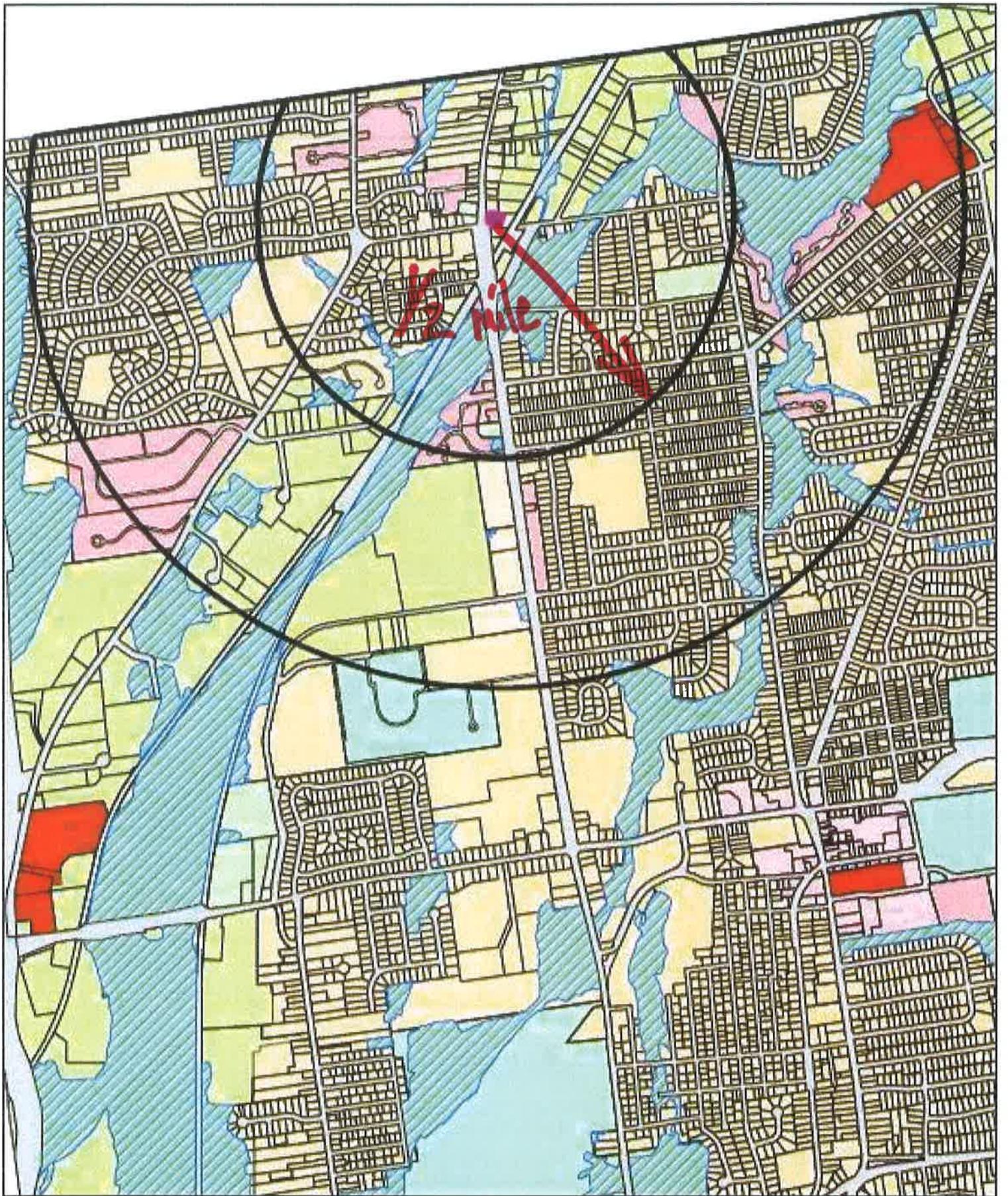
E. Buildings shall be configured in relation to the site's other buildings so that building walls frame and enclose one or more of the following, if applicable:

- 1) The corners of street intersections or entry points into the development;
- 2) A "main street" pedestrian and/or vehicle access corridor within the development site;
- 3) Parking areas, public spaces, or other site amenities on at least three sides; or
- 4) A plaza, pocket park, square, outdoor dining area, or other outdoor gathering space for pedestrians.

F. Architectural elevations submitted in accordance with Section 5.3.4.B shall be prepared as follows:

- 1) Where the street-level facade of a building faces the CTfastrak station or a public gathering space, no less than 25% of the facade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise.







Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP *(Signature)*
Date: August 4, 2016
Subject: **Petition #33-16: Special Permit (Section 3.15.4: Drive Through Restaurant) at 3120 Berlin Turnpike (Panera Bread). Norr Architects, applicant; Newington VF LLC, owner; Bryan Slonski, 325 N. LaSalle Street, Chicago IL, contact.**

Description of Petition #33-16:

The owner of this existing Panera restaurant at 3120 Berlin Turnpike has re-applied for permission to install a drive-through lane. "Drive-through" restaurants are allowed by special permit per Section 3.15.4 of the zoning regulations.

A similar request was denied in September 2014 based on safety concerns which the applicant was not able to address to the Commission's satisfaction.

Staff Comments:

The applicants submitted, earlier today, revised plans that purport to address the Town Engineer's concerns over the design width of the proposed drive-thru lane. As of this writing they have not been completely reviewed by the Town Engineer. Until we have received a written recommendation from the Town Planner, I recommend the hearing remain open.

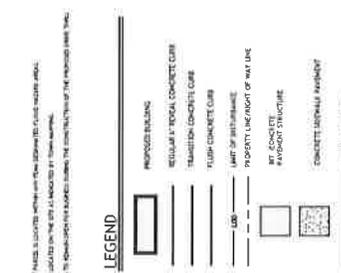
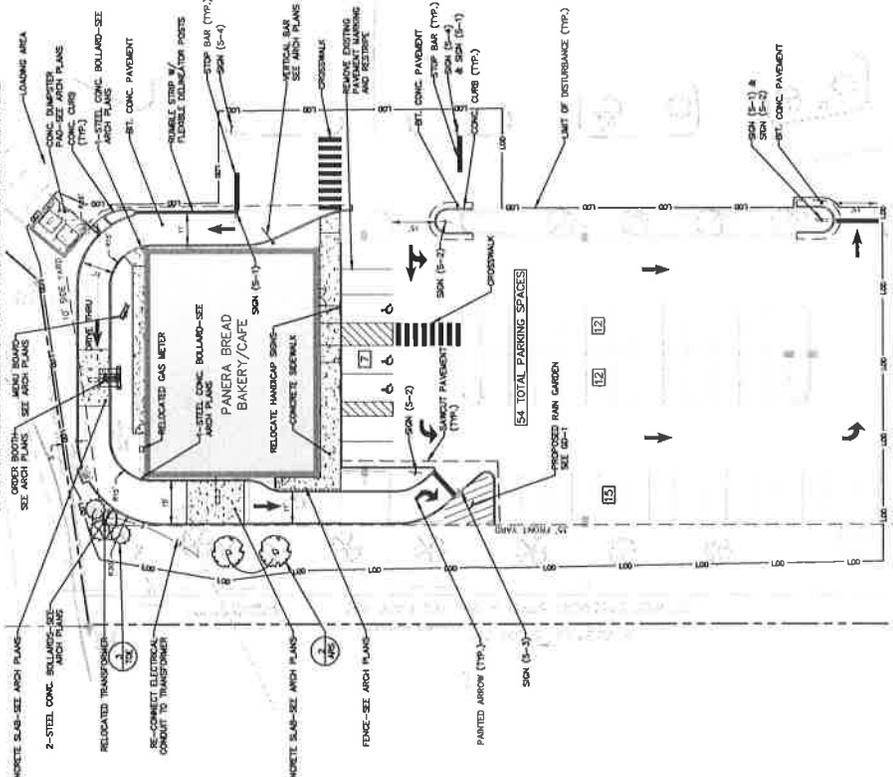
My concerns with the proposed drive-thru have been addressed.

cc:
Norr Architects
Freeman Companies
Town Engineer
file

Phone: (860) 665-8575 Fax: (860) 665-8577
townplanner@newingtonct.gov
www.newingtonct.gov

SITE PLAN NOTES

1. ALL CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE REGULATIONS, ORDINANCES, AND REGULATIONS OF THE STATE OF CONNECTICUT AND THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.
20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWINGTON, CONNECTICUT, AND THE LOCAL BOUNDARIES OF THE CITY OF NEWINGTON, CONNECTICUT.



TRAFFIC SIGN

REF	DESCRIPTION	IMAGE	SIZE
S-1	STOP (COMBODOT 31-0552)		30"
S-2	DO NOT ENTER (COMBODOT 31-1109)		30"
S-3	RIGHT TURN ONLY (COMBODOT 31-0173)		30"x36"
S-4	CROSSWALK (COMBODOT 41-4810)		30"x30"

ZONING INFORMATION

LOCATION: 110 BERLIN TURNPIKE NEWINGTON, CT

ZONING: PD - PLANNED DEVELOPMENT

USE: RESTAURANT

ITEM	MIN. LOT AREA	MIN. FRONT YARD	MIN. SIDE YARD	MIN. REAR YARD	MAX. BUILDING HEIGHT	MIN. GREEN SPACE AREA	MIN. GREEN SPACE AREA
1	1 AC	25 FEET	10 FEET	15 FEET	35 FEET	10%	10%
2	2 AC	35 FEET	15 FEET	20 FEET	45 FEET	15%	15%
3	3 AC	45 FEET	20 FEET	25 FEET	55 FEET	20%	20%
4	4 AC	55 FEET	25 FEET	30 FEET	65 FEET	25%	25%
5	5 AC	65 FEET	30 FEET	35 FEET	75 FEET	30%	30%
6	6 AC	75 FEET	35 FEET	40 FEET	85 FEET	35%	35%

PARKING REQUIREMENTS

ITEM	REQUIRED	PROPOSED
1	RESTAURANT	25 SPACES PER 1,000 SF
2	TOTAL PARKING	2,438 SF = 48 SPACES
3	HANDICAP	51-75 SPACES = 3 SPACES
4	MIN. PARKING DIMENSION	9' x 18' FEET
5	LOADING SPACE DIMENSION	10' x 25' FEET W/ 14' FEET VERTICAL CLEARANCE
6	LOADING SPACE DIMENSION	10' x 25' FEET

PLANTING PLAN

ITEM	BOTANICAL NAME	COMMON NAME	SIZE	ROOT
1	ASER RUSTICUM 'SOLIDUM'	SOBLET BURNING MAPLE	2'-3' 1/2" DIA.	BAR
2	THALIA OCCIDENTALIS 'EMERALD'	EMERALD GREEN ANEMONE	7"-8" HT	BAR

GRAPHIC SCALE: 20' 10' 0' 20'

SCALE IN FEET

PROJECT NO. 1000
 ARCHITECT: JAMES H. HANCOCK ARCHITECTS
 225 N. LAUREL ST. SUITE 500
 CHICAGO, IL 60610

PREPARED FOR: PANERA BAKERY/CAFE
 110 BERLIN TURNPIKE NEWINGTON, CT

DATE: 08/26/16

SCALE: 1" = 20'

PROJECT NO. 1000

PANERA BAKERY CAFE

110 BERLIN TURNPIKE NEWINGTON, CT

DATE: 08/26/16

SCALE: 1" = 20'

PROJECT NO. 1000

SITE PLAN

SP-1



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP *CM*
Date: August 2, 2016
Subject: **Petition #35-16: Special Permit (Section 3.2.9: Daycare) at 41 West Hartford Road (Temple Sinai). Family Tree Childcare, applicant; Temple Sinai of Newington Inc., owner; Jean Sutton, 117 McDowell Road, Middletown CT, contact.**

Description of Petition #35-16:

The applicant would like permission to operate a child care center in the Temple Sinai synagogue. This activity is allowed by special permit under Section 3.2.9.

Staff Comments:

Toward the end of the public hearing last month, several Commissioners noted that TPZ must apply the same standards to this application as it did to the application for an adult daycare facility at 26 Church Avenue (Petition #41-15). While the public hearing is not yet closed and additional testimony might be submitted at the meeting on August 10, there are several factors that differentiate these two applications.

Petition #41-15 was denied for the following two reasons:

1. **The need for the proposed use in the proposed location.** The Applicants claimed that there is a need in Newington for the proposed activity, but did not submit any documentation. The TPZ is therefore unable to determine whether there is a need for the proposed activity.

During the hearing on July 27, 2016 the applicant stated that the Temple Sinai leadership is looking for someone to resume operating a child care center in the building, and that she had responded to their "RFQ". Also, a person said during the public hearing that she intends to bring her children to this facility if approved. This satisfies the requirement that the applicants show the need for the proposed use.

2. **The existing and probable future character of the neighborhood in which the use is located.** The proposed activity will not be operated by the congregation that owns the building, but rather by an independent commercial entity. The commercial character of the proposed activity is therefore likely to detract from the residential character of the neighborhood.

There was a child care center at this same location approximately ten years ago, and nothing was stated during the public hearing to indicate that there had been any problems with it. None of the neighbors have expressed any concern that this activity would affect the character of the neighborhood, as opposed to that very concern with the recent adult daycare application. Also, the adult daycare facility would have accommodated 75 adults, plus staff. The proposed child daycare would accommodate only 45 children, plus staff. It would therefore be reasonable for TPZ to conclude that the current application would not impact “the existing and probably future character of the neighborhood”.

Whether the operator of the daycare is a “for profit” or a “not for profit” entity should not be a factor in granting approval – that is a personal decision for the applicant. However, the scale of the operation is definitely a factor that TPZ should take into consideration, and in the case of the current application, the scale is appropriate for the proposed location.

cc:
Applicant
file



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP *CM*
Date: August 3, 2016
Subject: **Petition #37-16: Special Permit (Section 6.3.6: Special Flood Hazard Area) at 593 Cedar Street. iHeartMedia, applicant; SFX Broadcasting of CT, owner; Rick Walsh, 10 Columbus Boulevard, Hartford CT, contact.**

Description of Petition #37-16:

The owners of this parcel in the Special Flood Hazard Area (also known as the 100-Year Flood Zone) on the south side of Cedar Street next to Piper Brook would like to place a modular building on the site. They have applied for site plan approval, but any development in the Special Flood Hazard Area also requires a special permit per Section 6.3.6.

Staff Comments:

The applicant has submitted the flood storage data that the Town Engineer requested, to his satisfaction.

Provided nothing derogatory comes up at the public hearing, I have no objection to closing the hearing and acting on this application.

cc:
WPOP
Herb May, PE
Town Engineer
file

Phone: (860) 665-8575 Fax: (860) 665-8577
townplanner@newingtonct.gov
www.newingtonct.gov



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP
Date: August 3, 2016
Subject: **Petition #34-16: Site Plan Modification at 3120 Berlin Turnpike (Panera Bread). Norr Architects, applicant; Newington VF LLC, owner; Bryan Slonski, 325 N. LaSalle Street, Chicago IL, contact.**

Description of Petition #34-16:

The owner of this existing Panera restaurant at 3120 Berlin Turnpike has re-applied for permission to install a drive-through lane, which requires a special permit. This application is for approval of the site plan itself.

Staff Comments:

As I reported in my memo to TPZ on the associated special permit application, as of this writing the applicants have not addressed the Town Engineer's concerns with the design of the drive-thru lane.

cc:
Norr Architects
Freeman Companies
Town Engineer
file

Phone: (860) 665-8575 Fax: (860) 665-8577
townplanner@newingtonct.gov
www.newingtonct.gov



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP 
Date: August 3, 2016
Subject: **Petition #36-16: Site Plan Approval at 593 Cedar Street. iHeartMedia, applicant; SFX Broadcasting of CT, owner; Rick Walsh, 10 Columbus Boulevard, Hartford CT, contact.**

Description of Petition #36-16:

The owners of this parcel would like to place a 10' x 20' "equipment shelter" modular building on the site, to provide "supplemental space for electronic broadcast transmitting equipment, and a secure area for the unattended operation of this equipment." There is a special permit pending for this project.

Staff Comments:

These plans are ready for TPZ approval, with the standard condition that the plans be revised to address the Town Engineer's comments.

As with any site plan that involves a special permit activity, I strongly recommend the special permit be approved first, and then the site plan.

cc:
WPOP
Herb May, PE
Town Engineer
file

Phone: (860) 665-8575 Fax: (860) 665-8577
townplanner@newingtonct.gov
www.newingtonct.gov

Minor, Craig

From: Greenlaw, Chris
Sent: Wednesday, August 03, 2016 10:09 AM
To: Herb May; DiMaria, John
Cc: WALSH, RICK; Minor, Craig
Subject: RE: WPOP P&Z Re-submittal

Mr. May,
Thank you for expediting the modifications, data, etc. as outlined in the engineering comments.

Minor,
The applicant's consultant has provided sufficient data to satisfy both the Flood calculations and remaining engineering comments.
This concludes the review for engineering as required. Please contact me for any further assistance with this site plan.
Regards,

Christopher Greenlaw, P.E.
Town of Newington, CT
Town Engineer
P: (860) 665-8570

From: Herb May [mailto:hmay@macchiengineers.com]
Sent: Wednesday, August 03, 2016 9:49 AM
To: DiMaria, John <JDiMaria@NewingtonCT.Gov>
Cc: WALSH, RICK <RICKWALSH@iheartmedia.com>; Greenlaw, Chris <CGreenlaw@NewingtonCT.Gov>; Minor, Craig <CMinor@NewingtonCT.Gov>
Subject: RE: WPOP P&Z Re-submittal

John,
Per our conversation yesterday; please find attached PDF copies of the revised plans for the WPOP project. As requested, Rick will get you two (2) full size hard copies. Please let us know if you need anything else.

Thanks.



Visit Our Website:
macchiengineers.com

Herbert May, P.E.
Chief Civil Engineer
[email:hmay@macchiengineers.com](mailto:hmay@macchiengineers.com)
44 Gillett Street, Hartford, CT 06105
860/549-6190, x-110 Fax.860/524-5088



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor, AICP
Town Planner

Memorandum

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP *CM*
Date: August 4, 2016
Subject: **Town Planner Report for August 10, 2016**

1. Open Space Zone regulations: At TPZ's request, I have drafted a change to the PL zoning regulations to address TPZ's desire to prevent Town-owned open space from being developed. See attached. If it looks complicated (and it is), that's because it's designed to discourage the kind of future development that TPZ wants to prevent, but without making all the existing ballfields and Town-owned buildings non-conforming. As you know there is no way to prohibit future Town Councils from ignoring this regulation and developing that land if it wants to. But if adopted, and all current parks are changed to PL zone, it would effectively prevent future Town Councils from selling any of this land to developers.

2. "Amara Amendment": I reviewed the minutes from the public hearings and the post-hearing deliberation of TPZ. I did not find anything to indicate that TPZ was concerned about allowing the greater density in all zones. Only the greater height was limited to just the B-BT zone. The regulations can certainly be revised to do so, if TPZ wants, but it would require the standard zoning amendment process.

cc:
file

Phone: (860) 665-8575 Fax: (860) 665-8577
cminor@newingtonct.gov
www.newingtonct.gov

PL (Public Land) Zoning Regulations

(text to be deleted is shown in ~~bold strike-through~~;
text to be added is shown in **bold underline**)

Section 3.21 Uses Permitted in PL Public Land Zones

In PL (Public Land) zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other. **Any property not in a PL zone that is proposed to be placed in a PL zone must be owned by a governmental unit, a department of a governmental unit, or a private or semi-private owner who furnishes a public service or utility.**

3.21.1 Permitted Uses:

~~Lands and buildings owned by a governmental unit, a department of a governmental unit, or a private or semi-private owner who furnishes a public service or utility;~~

A. Passive recreation and other similar open space-type activities.

B. and any use which may be permitted in the charter of the owner, provided that industrial, business and/or residential uses shall be limited to and used exclusively by and for the requirements of the owner. ~~All other uses are prohibited.~~

3.21.2 Special Permit Uses:

A. Lands and buildings owned by a governmental unit, a department of a governmental unit, or a private or semi-private owner who furnishes a public service or utility;

B. Active recreation and other similar open space-type activities.

C. and any use which may be permitted in the charter of the owner, provided that industrial, business and/or residential uses shall be limited to and used exclusively by and for the requirements of the owner. ~~All other uses are prohibited.~~

3.21.3 Procedure

A. Before a lot or parcel of land in a PL Zone may be used or a building erected, altered or changed in use, a Site Development Plan must be approved in accordance with this Section as well as Section 5.3.

B. Any application for change to a PL Zone must be accompanied by an application for Site Development Plan approval in accordance with Section 5.3. The Commission will consider both applications simultaneously, within the appropriate public notice and scheduling procedures.

3.21.3 Buffer

No parking or loading shall be located within 25 feet of a residential zone boundary. When the zone boundary follows the centerline of the street right of way the 25 foot buffer shall be measured along the non residential side of the street right of way. A buffer meeting the requirements of Section 6.10 is required whenever the use adjoins a residential zone. However, the Commission may waive this requirement in part for

PL (Public Land) Zoning Regulations

(text to be deleted is shown in ~~bold strike through~~;
text to be added is shown in **bold underline**)

good cause. The reasons for any such waiver shall be made a part of the Commission record pursuant to Section 6.10.5(c).

3.21.4 Utilities

All electric and telephone utility installations shall be located underground, excepting required or necessary lights standards, etc.

3.21.5 Sidewalks

Sidewalks shall be installed along the frontage of public streets according to the Town of Newington standards.