



TOWN PLAN AND ZONING COMMISSION

PUBLIC HEARING AND REGULAR MEETING
Wednesday, September 10, 2014

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

7:00 p.m.

A G E N D A

I. ROLL CALL AND SEATING OF ALTERNATES

II. APPROVAL OF AGENDA

III. PUBLIC HEARINGS

- a. Petition #44-14: Special Exception (Section 6.15.6: Health Club) at 37 Ann Street.
37 Ann Street LLC, owner; CT Workout, applicant; Benjamin Petitpas, 85 Market Square,
Newington CT, contact.

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

V. REMARKS BY COMMISSIONERS

VI. MINUTES:

- a. August 27, 2014

VII. NEW BUSINESS

VIII. OLD BUSINESS

- a. Petition #30-14: Special Exception (Section 3.15.4: Drive-through Restaurant) at 3120 Berlin Turnpike ("Panera"). Norr Architects, applicant; Newington VF LLC, owner; Bryan Slonski, 325 N. LaSalle Street Suite 500, Chicago IL, contact. Continued from June 25, 2014.
- b. Petition #25-14: Zone Change (Industrial to PD) at 16 Fenn Road. Fenn Road Associates LLC, owner/applicant; Richard P. Hayes Jr, 1471 Pleasant Valley Road, Manchester CT, contact. Continued from June 25, 2014.
- c. Petition #31-14: Site Plan Approval (Drive-through Restaurant) at 3120 Berlin Turnpike ("Panera"). Norr Architects, applicant; Newington VF LLC, owner; Bryan Slonski, 325 N. LaSalle Street Suite 500, Chicago IL, contact.

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2014 SEP -4 PM 3:01

BY *Tanya D. Lane*
TOWN CLERK

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING

X. TOWN PLANNER REPORT

a. Town Planner Report for September 10, 2014

XI. COMMUNICATIONS

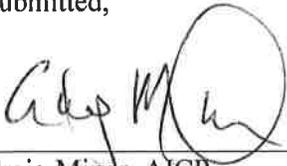
XII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

XIII. REMARKS BY COMMISSIONERS

XIV. CLOSING REMARKS BY THE CHAIRMAN

XV. ADJOURN

Submitted,

A handwritten signature in black ink, appearing to read "Craig Miner", written over a horizontal line.

Craig Miner, AICP
Town Planner

Ct# 1016

Petition # 44-14



TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

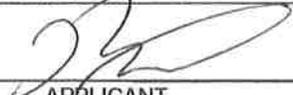
APPLICATION FORM

LOCATION OF PROPERTY: 37 Ann Street ZONE: ~~PID~~ PID
 APPLICANT: CT-WORKOUT TELEPHONE: 860 639-7338
 ADDRESS: 85 Market Square, Newington CT EMAIL: ben@CTworkout.com
 CONTACT PERSON: Ben Petitpas TELEPHONE: _____
 ADDRESS: 130 Buttercutt lane, Kensington, CT 06037 EMAIL: _____
 OWNER OF RECORD: 37 Ann Street, LLC. - Barry Lustig

THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):

- Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section 3.15.6 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification
- Other (describe in detail, or attach): _____

SIGNATURE:

 APPLICANT	<u>8/1/14</u> DATE	 OWNER	<u>7/16/14</u> DATE
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COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).

NOTE: PROPERTIES LOCATED IN THE NEWINGTON INDUSTRIAL PARKS (BUDNEY ROAD, PROGRESS CIRCLE, ROCKWELL ROAD, HOLLAND DRIVE AND PANE ROAD) ARE SUBJECT TO THE REGULATIONS, COVENANTS AND RESTRICTIONS OF THE NEWINGTON ECONOMIC DEVELOPMENT COMMISSION. APPLICANTS PROPOSING TO BUILD, MODIFY EXISTING SITE PLANS, CHANGE OR ADD TO BUILDING ELEVATIONS OR PLACE SIGNAGE ON THE PROPERTY ARE RESPONSIBLE FOR SECURING THE NECESSARY APPROVALS FROM THE ECONOMIC DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.

August 8, 2014

To Whom It May Concern;

The name of our business is BP Fitness Coaching, LLC DBA CT Workout.

We are currently located at 85 Market Square, Newington CT 06111. Our business is based on personal and group fitness training programs.

We have three main programs that we offer:

Group Training – In this program we focus on helping individuals lose fat, build muscle, to enhance overall health and well being. The group size is 8 to 12 people.

Semi Private Training – This program helps individuals reach their health and fitness goals through personalized programming and nutrition. The group size is 1 to 6 people.

Personal Training – This program is a custom program where the client works one on one with a personal trainer to achieve their goals.

We have been at the 85 Market Square location since March 2010. We are looking to expand our facility by relocating to 37 Ann Street, Newington CT 06111. Moving to this location will allow us to reach our next level of business growth.

Committed to your Success,

A handwritten signature in black ink, appearing to read 'BP', with a long horizontal line extending to the right.

Benjamin Petitpas, CSCS, CPT

CT Workout
85 Market Square
Newington, CT 06111
(860) 639-7338

Minor, Craig

From: CT Workout [ben@ctworkout.com]
Sent: Thursday, August 21, 2014 3:31 PM
To: Minor, Craig
Subject: RE: CT Workout at 37 Ann Street

Hi Craig,

The space located at 37 Ann St. is the roughly 7,100 s.f. retail space

The maximum customers and employees at peak hours will be roughly 20-30 people max.

Let me know if there is anything else you need from me.

Committed to your success,

Benjamin Petitpas, CSCS, CPT
CT Workout

85 Market Square
Newington, CT 06111
(860) 639-7339
ben@ctworkout.com
www.ctworkout.com

----- Original Message -----

Subject: CT Workout at 37 Ann Street
From: "Minor, Craig" <CMinor@NewingtonCT.Gov>
Date: Tue, August 19, 2014 9:33 am
To: "ben@ctworkout.com" <ben@ctworkout.com>

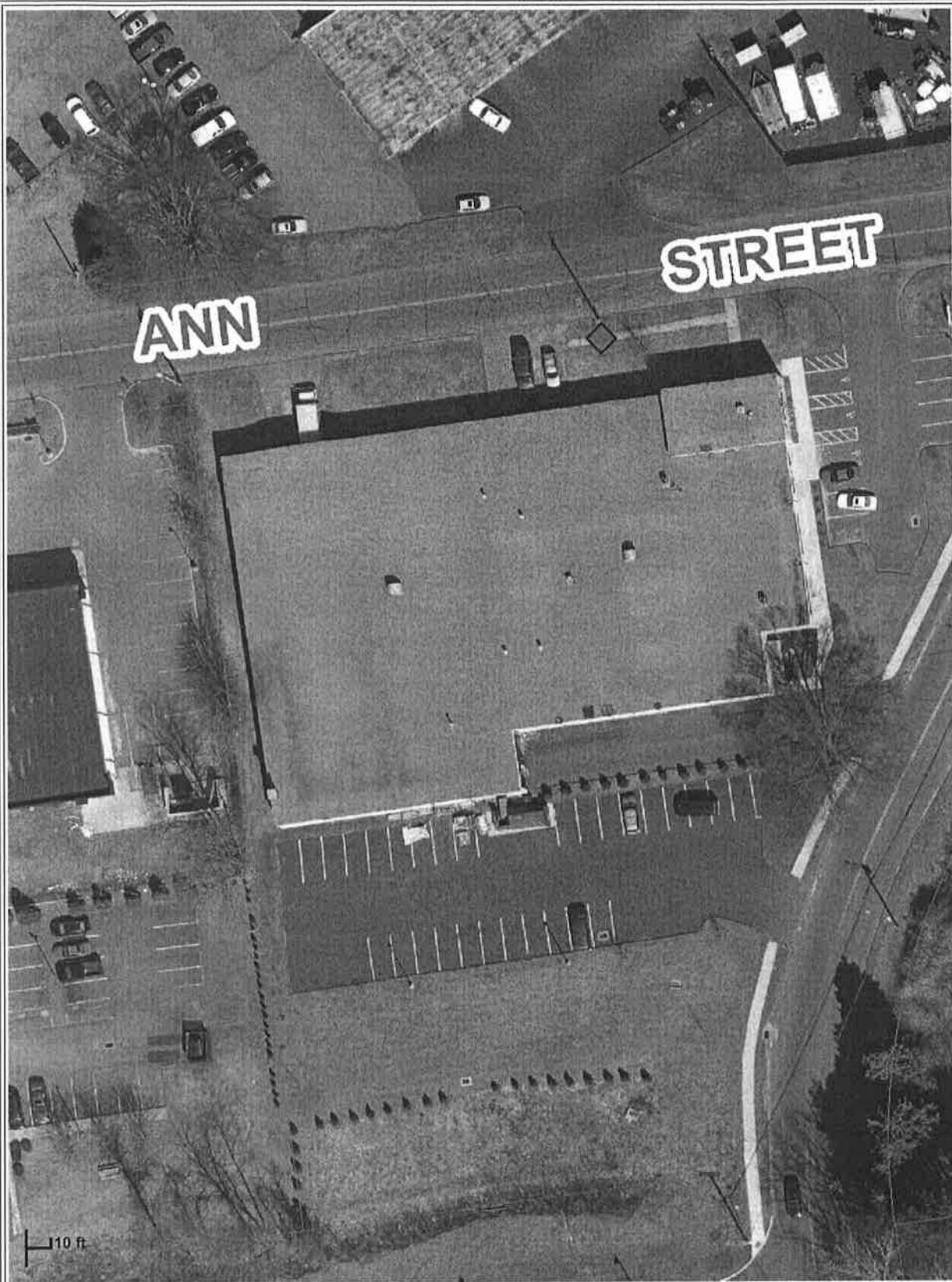
Ben:

I received your TPZ application, and I need to know how much of the building you plan to use. I have an old floor plan that shows the building divided into three areas: retail space (7,900 s.f.), storage space (5,940 s.f.) and warehouse (12,600). Do you intend to occupy one of these spaces?

I also need to know, approximately, the maximum number of customers and employees you anticipate having at the peak hour.

Thanks.

- Craig Minor, AICP



Markup Line



Markup Polygon



Neighboring Towns



Parcels



2009 Color Aerial Photo

■ Red: Band_1

■ Green: Band_2

■ Blue: Band_3

110 ft



DISCLAIMER: Every reasonable effort has been made to assure the information provided on the GIS map and data is current, accurate and complete. However, the GIS database and the maps themselves are subject to constant change and the accuracy and completeness cannot be and is not guaranteed. Independent verification of all data contained herein should be obtained. The data presented on this page is not legally binding on the Town of Newington or any of its departments. This map and the associated data are REPRESENTATIONS ONLY and may contain errors in the databases. Therefore, the information presented on this page is for informational purposes only and should not be construed to be legally binding. The Town of Newington shall not be liable for any loss, damages or claims that arise out of the user's access to, or use of the map, documents and data provided.



Thu Mar 6 16:21:43

EST 2014

STAFF REPORT
Health Club at 37 Ann Street

September 4, 2014

Petition #44-14

Special Exception (Section 6.15.6: Health Club)

37 Ann Street

**37 Ann Street LLC, owner; CT Workout, applicant; Benjamin Petitpas,
85 Market Square, Newington CT, contact.**

Description of Petition #44-14

The applicant currently operates a health club at 85 Market Square. He would like to move the business to the partially-vacant building at 37 Ann Street.

Staff Comments

"Health Club" is allowed by special exception in the PD zone.

According to the 2007 site plan on file for this property, the building is divided into three spaces: 5,940 sf of "storage space", 12,600 sf of "warehouse space", and 7,900 sf of "retail space". The applicants would like to occupy the "retail space". My understanding is that the whole building is currently vacant.

The site plan shows 43 parking spaces, and 20 "deferred" spaces to be built later if required by some future use. Apparently the owner in 2007 was able to convince TPZ that his proposed furniture business would not need the 7 spaces per 1,000 sf of floor area required by the zoning regulations, and so TPZ agreed to let them defer the construction of 20 spaces.

"Theaters, places of assembly, amusements, recreation and education" require one parking space per three occupants based on the Fire Marshal's rating. The current applicant says that he anticipates a maximum of thirty persons (customers and staff) at the peak hour, so the required number of parking spaces is ten.

cc:
Benjamin Petitpas
file

STAFF REPORT
Special Exception for Drive-Through Lane at 3120 Berlin Turnpike

September 4, 2014

Petition #30-14:

**Special Exception (Section 3.15.4: Drive-through Restaurant)
3120 Berlin Turnpike ("Panera").**

**Norr Architects, applicant; Bryan Slonski, 325 N. LaSalle Street Suite 500, Chicago IL,
contact.**

Description of Petition #30-14:

The applicant would like to create a drive-through lane on the site of the existing "Panera" restaurant. Restaurants with drive-through lanes are allowed by special exception per Section 3.15.4 of the zoning regulations.

Staff Comments:

I have reviewed the site plan dated 06/25/14 that the applicants submitted on August 27, 2014 and have the following concerns.

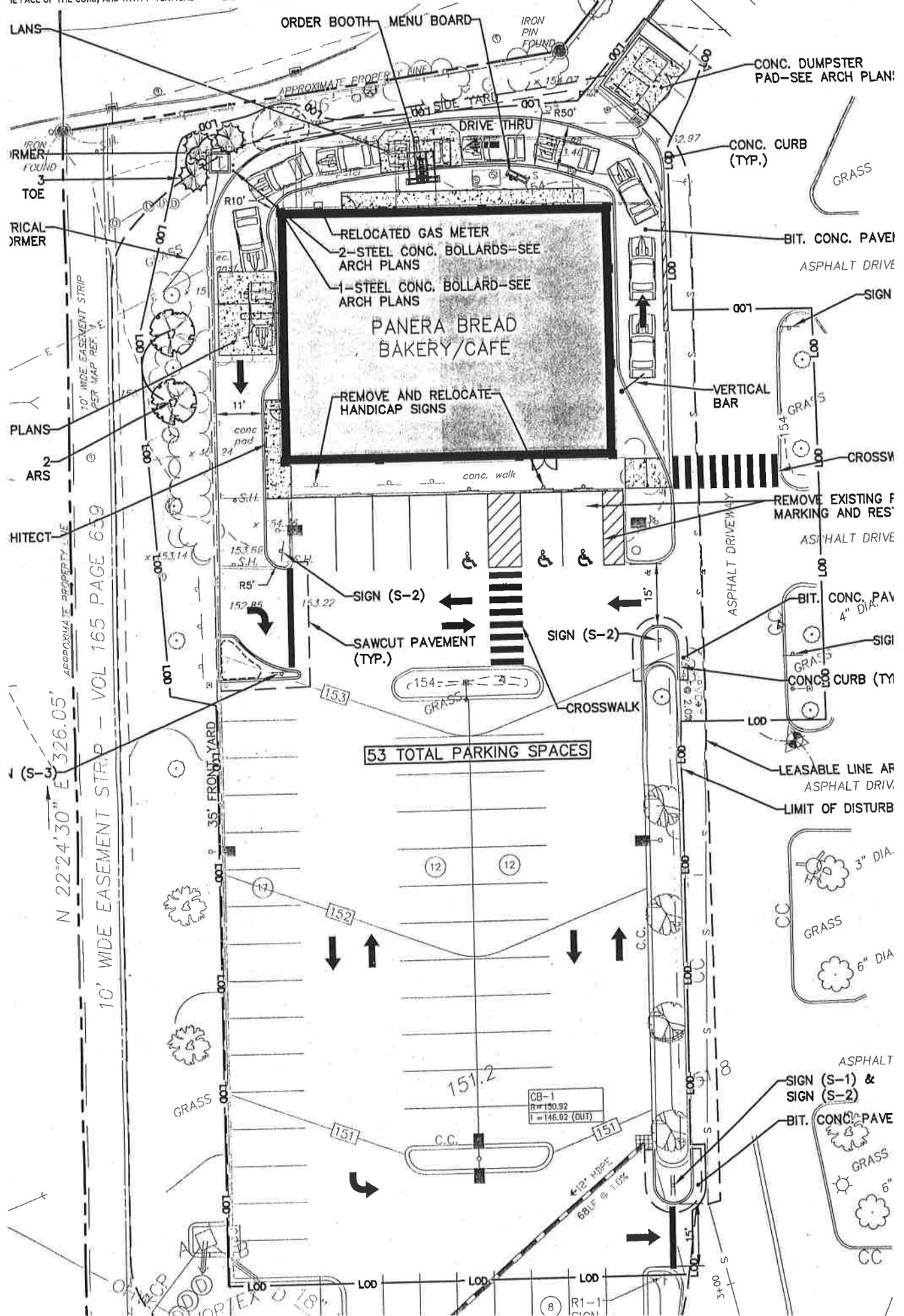
1. The entrance to the proposed drive-through lane runs in a northerly direction, parallel to the southbound lane of the main corridor that runs through this shopping center. There is nothing separating the drive-through lane from the main corridor.
2. It is not clear if the turning radius at the northeast bend in the lane will be sufficient for a moderate-sized vehicle.
3. The plan shows nine cars in the queue. If the driver of a tenth car wanted to enter the lane it is not clear where he should go to wait, and if he attempted to enter the lane, he would block the southbound lane of the corridor.
4. There is no "bailout" lane for customers who decide that they don't want to continue waiting.
5. All cars entering the parking lot will have to use the one-way entrance on the northeast corner of the parking lot which runs past the handicapped parking spaces. Handicapped drivers are often impaired in their driving ability to some extent.

cc:
Bryan Slonski
Jeff LeBeau
file

23. THESE PLANS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT TO BE UTILIZED FOR CONSTRUCTION.

CURRENT EDITION OF THE MANUAL OF UNIFORM PRACTICES FOR THE FACE OF THE CURB, AND WITH 7 VERTICAL

24. NO CONSTRUCTION OR DEMOLITION SHALL BEGIN UNTIL APPROVAL OF THE FINAL PLANS IS GRANTED BY ALL GOVERNING AND REGULATORY AGENCIES.



STAFF REPORT
Zone Change at 16 Fenn Road

September 4, 2014

Petition #25-14

Zone Change from Industrial to Planned Development

16 Fenn Road

Fenn Road Associates LLC, owner/applicant; Richard P. Hayes, contact

Description of Petition #25-14

This parcel is partially zoned PD and partially zoned Industrial, because when the owners executed the "land swap" with DOT several years ago that enabled the CTfastrak access road, they neglected to apply for a zone change for the property that they acquired, which is Industrial zoned.

Staff Comments

I have no objection to this request. Putting the parcel in a single zone makes development much simpler, and in my opinion PD zoning is more appropriate here than Industrial.

cc:
Richard Hayes
file

STAFF REPORT
Site Plan Approval for Drive-Through Lane at 3120 Berlin Turnpike

September 4, 2014

Petition #31-14:

Site Plan Approval (Drive-through Lane)

3120 Berlin Turnpike (“Panera”).

Norr Architects, applicant; Bryan Slonski, 325 N. LaSalle Street Suite 500, Chicago IL, contact.

Description of Petition #31-14:

The applicant would like to create a drive-through lane for the existing “Panera” restaurant. Restaurants with drive-through lanes are allowed by special exception per Section 3.15.4 of the zoning regulations.

Staff Comments:

See my comments for the Special Exception application.

cc:
Bryan Slonski
Jeff LeBeau
file



John Salomone
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: Craig Minor, Town Planner 
Date: September 4, 2014
Re: **Town Planner Report of September 10, 2014**

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1. **Zoning Enforcement Issues Raised at Previous TPZ Meetings:** I have nothing new to report.
 2. **Old Performance Bonds held by Town:** I will have a report at the meeting.
 3. **Newington Junction TOD Planning:** I have nothing new to report.
 4. **Sign Regulations Committee:** The Sign Committee met last month, and decided to retract their recommendation to prohibit temporary signage on the Berlin Turnpike. As of this writing the next meeting of the committee has not been scheduled.

cc:
file

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