

Minutes
Planning and Zoning Commission
November 22, 2016

The West Haven Planning & Zoning Commission held a Public Hearing and Regular Meeting on Tuesday, November 22, 2016, in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT at 7:00 P.M.

PRESENT: Commissioners Hendricks, Mullins, Biancur, Cohen, Standish, Posey, Suggs (7:11 p.m.), ZEO Conniff, Assistant Planner Killeen, City Council liaison Avery, Corporation Counsel Amendola, Planning and Development Commissioner Riccio and Mayor O'Brien.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: Commissioner Cohen made a motion to approve the meeting minutes of November 10, 2016, seconded by Commissioner Posey and passed.

Minutes of November 14, 2016 – Not available for 11/22/16 meeting, to be acted upon at future meeting.

Public Hearing

1. **Proposed Amendments to the Zoning Regulations.** Application for approval of multiple text changes to the City's Zoning Regulations as follows: 1) To include public access walkways as part of the Open Space calculation within comprehensive development (or redevelopment) plans; 2) To eliminate the restriction on the use of at grade parking lots within the WD (Waterfront Design) District; 3) To modify Area and Bulk Requirements in the WD District as follows: reduce Maximum Building Coverage from 40% to 35%; increase Maximum Impervious Surface Coverage from 20% to 55%; increase Maximum Lot Coverage from 60% to 80%; and reduce Minimum Open Space from 40% to 30%; and 4) to amend Parking Standards to allow the use of Shared Parking under certain conditions, with the approval of the Planning and Zoning Commission. Proposed text changes would amend Section 2.2, Section 36.2, Table 36.1, and add a new Section 60.13.3 to the West Haven Zoning Regulations. Applicant: City of West Haven, CT. File # ZR 16-232.
(Continued from November 10, 2016)

2. **Proposed Changes to Zoning Map for Properties Located at 30 Main Street, 32 Main Street, 38 Main Street, 40 Main Street, 48 Main Street, 32 Bayview Place, 20 Bayview Place, and the Southeast Corner of Main Street and Bayview Place.** Application for approval of Changes to the Zoning Map for multiple properties currently located in the R-3, R-4 (Residential), OS (Open Space) and WD (Waterfront Design) Districts to the WD (Waterfront Design) District under Section 36, Section 86 and Section 92 of the West Haven Zoning Regulations. Applicant: City of West Haven, CT. File # ZM 16-233.
(Continued from November 10, 2016)

These two City applications (Agenda items #1 and #2) were withdrawn by the Mayor in a letter to the Commission dated November 22, 2016, so there was no discussion or testimony taken.

3. **Proposed Amendments to the Zoning Regulations.** Application for approval of a proposed change to Table 39.2 of the Zoning Regulations to make hotels, motels, boatels or inns a permitted use as-of-right in the CD (Commercial Design) District. Applicant: Scott Bixler, WoodSpring Hotels. File # 16-235

Mr. Scott Bixler, representing the applicant, gave a video presentation on WoodSpring Suites to illustrate their operation. He stated they are interested in 480 Sawmill Road, which is located in the CD (Commercial Design) District. This particular property has an existing structure that would have to be remediated and removed, but this location would be beneficial for their brand. However, it was discovered that this location was not zoned for this use. Mr. Bixler is asking for a hotel use by right by this commission. The building would be demolished and the applicant would propose the construction of a new 4 story structure, which would be parallel to the highway. Hotels were a permitted use in this District in 2002, but they were removed as a permitted use in this District when the regulations were changed in 2006. He is asking the commission's help in getting a hotel back into this area.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application. There was no one from the public that spoke on this application.

Mr. Bixler stated this location will be a corporate location and not a franchise location. Mayor O'Brien stated he is excited that WoodSpring Suites chose not only Connecticut but West Haven. The amount of money to be spent on this project is substantial. He thanked the company for their interest in the city.

Commissioner Mullins made a motion to close the public hearing, seconded by Commissioner Biancur and passed, 5-0.

4. **1046-1050 Orange Avenue (AKA 1046-1050 Boston Post Road).** Applications for approval of a Special Permit; a Site Plan Review; and a Certificate of Automotive Location to continue the operation of a used car dealership on property located in an RB (Regional Business) District, pursuant to Table 39.2 and Sections 44, 60, 85 and 92 of the West Haven Zoning Regulations. Applicant: Maurice Moody, Sr.; Owner: Barry Lewis. File # SP 16-239, # SR 16-240 and # CAL 16-241.

Maurice Moody, West Haven, CT., stated he would like to take over ownership of Auto World at the above location. It is currently an existing used car lot. There was an approved application in 1987 and 2009 for 12 display spaces (for sale) and 2 spaces for service, in addition to 2 customer spaces and 1 employee space. He is not making any structural improvements. He is asking to have 16 cars for display on his lot. There would be a total of 19 spaces on the property, one for the mechanic and two customer spaces. Mr.

Killeen stated he is concerned about the width of the spacing and driveway aisles serving the parking spaces, since the plot plan is not to scale. There will be no service of outside vehicles. The mechanical repairs are for the safety check of the cars that are for sale. Barry Lewis, current owner, stated the dumpster is located on the property outside the gate. Mayor O'Brien stated that Mr. Moody has been an excellent business owner in the city. The building department stated there are no additional requirements since it was a previously approved use. They would need to apply for a building permit if expansions were considered.

Three calls were made to speak in favor and three calls were made to speak in opposition to this application. There was no one from the public who spoke on this application.

Commissioner Mullins made a motion to close the public hearing on Files #SP 16-239; #SR 16-240 and CAL #16-241, seconded by Commissioner Biancur and passed, 5-0.

5. **39 Elm Street.** Application for approval of a Special Permit to operate a Tattoo Shop on property located in a WD (Waterfront Design) District, pursuant to Sections 85 and 92 of the West Haven Zoning Regulations. Applicant: Ashley Velazquez; Owner: Luciano Coletta. File # SP 16-242

Ashley Velazquez, Hamden, Ct., is interested in property in the West River Plaza to open a tattoo shop. She presented a biography of herself and described her talent and how she has been recognized and the type of clientele she has. She is a licensed tattoo technician by the State of CT. Commissioner Riccio stated the zoning regulations do not allow tattoo parlors and feels if this was approved it could open the doors for others. Commissioner Hendricks questioned why it is before the commission if it is not allowed by the zoning regulations. They would be in violation of their own rules. Staff submitted copies of Section 1.14 of the Zoning Regulations which states that "any uses not specifically permitted shall be deemed to be prohibited". Mr. Killeen commented he was unaware of this Section when the office accepted her application. In some communities, "unnamed uses" are allowed by Special Permit, subject to approval of the Planning and Zoning Commission. Based on advice of staff, Ms. Velazquez had noted on her application that tattoo shops were an unnamed use and was therefore seeking Special Permit approval, comparing the tattoo shop to a walk-in medical center, since her use requires State approval of a Blood Borne Pathogens Certificate, a First Aid and CPR Certificate, in addition to a Tattoo Technician License. Commissioner Biancur questioned that other tattoo parlors have been approved under this regulation, mistakenly, and asks if the applicant has any recourse. Corporation Counsel Amendola stated he became aware of this tonight and if the commission would like an opinion, he can have it by the next meeting. Commissioner Suggs stated being in the West River Plaza the shop and the clientele will be held to a higher standard than if it was located on Campbell Ave.

During the hearing, Commissioners encouraged the applicant to withdraw her application and resubmit it with an application to amend the Zoning Regulations, similarly to the application of WoodSpring Hotels to add hotels as a permitted use in the CD District.

Based on their advice, Ms. Velazquez withdrew her application and submitted her withdrawal in writing.

Commissioner Hendricks made a motion if applicant re-submits these applications, the fees will be waived, seconded by Commissioner Mullins and passed, 5-0.

Special Meeting

1. Deliberation and Action on Public Hearing Items:

- i. **Proposed Amendments to the Zoning Regulations.** Application for approval of multiple text changes to the City's Zoning Regulations: 1) To include public access walkways as part of the Open Space calculation within comprehensive development (or redevelopment) plans; 2) To eliminate the restriction on the use of at grade parking lots within the WD District; 3) To modify Area and Bulk Requirements in the WD District as follows: reduce Maximum Building Coverage to 35%; increase Maximum Impervious Surface Coverage to 55%; increase Maximum Lot Coverage to 80%; and reduce Minimum Open Space to 30%; and 4) to amend Parking Standards to allow the use of Shared Parking under certain conditions. Applicant: City of West Haven, CT. File # ZR 16-232.

Commissioner Biancur made a motion approve the withdrawal of File #ZR 16-232 without prejudice, seconded by Commissioner Cohen and passed, 5-0.

- ii. **Proposed Changes to Zoning Map for Properties Located at 30 Main Street, 32 Main Street, 38 Main Street, 40 Main Street, 48 Main Street, 32 Bayview Place, 20 Bayview Place, and the Southeast Corner of Main Street and Bayview Place.** Application for approval of Changes to the Zoning Map for multiple properties currently located in the R-3, R-4 , OS and WD Districts to the WD District. Applicant: City of West Haven, CT. File # ZM 16-233.

Commissioner Biancur made a motion approve the withdrawal of File #ZM 16-233 application without prejudice, seconded by Commissioner Cohen and passed, 5-0.

- iii. **Proposed Amendments to the Zoning Regulations.** Application for approval of a proposed change to Table 39.2 of the Zoning Regulations to make hotels, motels, boatels or inns a permitted use as-of-right in the CD District. Applicant: Scott Bixler, WoodSpring Hotels; File # ZR 16-235.

Assistant City Planner Killeen recited several policies and recommendations of the existing Plan of Conservation and Development that supported the proposed amendment to the Zoning Regulations, with which the Commission agreed in its consideration of this application.

Commissioner Biancur made a motion to approve File #ZR 16-235, seconded by Commissioner Mullins and passed, 5-0.

- iv. **1046-1050 Orange Avenue (AKA 1046-1050 Boston Post Road).** Applications for approval of a Special Permit; a Site Plan Review; and a Certificate of Automotive Location to continue the operation of a used car dealership on property located in an RB District. Applicant: Maurice Moody, Sr.; Owner: Barry Lewis. File # SP 16-239, # SR 16-240 and # CAL 16-241.

Commissioner Biancur made a motion to approve Files #SP16-239, SR 16-240 and #CAL 16241 with the following conditions:

1. There shall be no more than nineteen (19) spaces subject to staff approval on this property at any time.
2. No vehicles shall be parked on Jaffrey Road or Orange Avenue.
3. There shall be no use of banners, flags or other devices designed to draw attention to the site for advertising purposes, aside from American flags and signs permitted under the City's Zoning Regulations.
4. Dumpster location to be enclosed and approved by staff.
5. Striping in back parking lot shall be clearly marked and subject to staff approval.
6. There shall be no more than one (1) inoperable vehicle on the property at any time.
7. The applicant is approved for a used car dealership only, and not a repairer's license. No repairs shall be conducted on vehicles other than those that are part of the inventory of vehicles for sale by this dealership.
8. For the whole property and especially the repair shop to the rear of the property:
 - a. There shall be no outside storage of parts, materials, batteries or containers.
 - b. Oil, other petroleum products, and any other toxic materials shall be handled properly so that they are not dumped into the City's sewer or allowed to leach into the groundwater.
 - c. Oil separators shall be installed, if required by the City Engineer.
9. There will be a one year review by the Planning and Zoning Commission.

Motion was Seconded by Commissioner Mullins and passed, 5-0.

- v. **39 Elm Street.** Application for approval of a Special Permit to operate a Tattoo Shop on property located in a WD District. Applicant: Ashley Velazquez; Owner: Luciano Coletta. File # SP 16-242.

Since this application was withdrawn, no action was taken.

2. Staff Reports

1. **Update to City Plan of Conservation and Development**
Mr. Killeen stated the consultants and the steering committee went over the results. A conference call will be set up around mid-December.
2. **Update on Ad Hoc Committee to Study Adult-Oriented Businesses**

Commissioner Mullins stated a meeting has been scheduled for Wednesday, November 30th at 1 p.m.

ADJOURNMENT: 8:45 P.M.

Commissioner Posey made a motion to adjourn, seconded by Commissioner Mullins and passed.