

Apr 19 2007 at 4:05 AM
PM

**EAST LYME ZONING COMMISSION
PUBLIC HEARING III
Thursday, APRIL 12th, 2007
MINUTES**

Lester B. Williams

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Public Hearing on its' own Proposal to amend the Zoning Regulations by adding a new Section 8.2.12 to allow Drive-thru facilities for Banks, Financial Institutions, Pharmacies, Bakeries and Restaurants by Special Permit in CA Zones and to add specific Drive-thru standards in Section 25.5 "Table of Minimum controls for specific special permit" , on April 12, 2007 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order at 10:37 PM after another previously scheduled Public Hearing.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,
 Pamela Byrnes, Ed Gada, Marc Salerno, Norm Peck

ALSO PRESENT: William Mulholland, Zoning Official
 Robert Bulmer, Alternate
 Rose Ann Hardy, Ex-Officio, Board of Selectmen

ABSENT: William Dwyer, Alternate, Joe Barry, Alternate

PANEL: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,
 Pamela Byrnes, Ed Gada, Marc Salerno, Norm Peck

Public Hearing III

- ◆ Application of The East Lyme Zoning Commission – Proposal to amend the Zoning Regulations by adding a new Section 8.2.12 to allow Drive-thru facilities for Banks, Financial Institutions, Pharmacies, Bakeries and Restaurants by Special Permit in CA Zones and to add specific Drive-thru standards in Section 25.5 "Table of Minimum controls for specific special permit."

Mr. Nickerson asked Ms. Carabelas, Secretary to read the correspondence into the record.

Ms. Carabelas read the following correspondence into the record:

- ◆ Letter dated 3/14/07 to Mark Nickerson, Chairman, EL Zoning Commission from Francine Schwartz, Secretary, EL Planning Commission - Re: Proposed Amendment to Section 8.2.12 and 25.5 regarding Drive-thru facilities - finding the proposal CONSISTENT with the Plan of Conservation and Development and offering some recommendations.
- ◆ Letter dated 3/27/07 to Rosanna Carabelas, Secretary, EL Zoning Commission from Robert Baron, Chairman SECCOG Regional Planning Commission - Re: Drive-thrus by Special Permit in CA zones - finding that the proposed text amendments would not have any adverse inter-municipal impact.
- ◆ Letter dated 2/15/07 to EL Zoning Commission from William Mulholland, Zoning Official – Re: Special Permit Drive-thru Text Amendment – noting he has added a new Section 8.2.12 to Special Permit uses in CA Zones and has also placed the Drive-thru standards in Section 25.5 "Table of Minimum controls for specific special permit" as that section typically lists all special permit requirements.

Mr. Nickerson noted that the legal ad had run in the New London Day on 3/30/07 and 4/9/07.

Mr. Mulholland said that he has added the new Section 8.2.12 to Special Permit uses in CA Zones with all the same criteria so that it is now required by special permit.

Mr. Nickerson called for comments from the public regarding this application –

www.bmwyjts.com

ANSWER

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1. EXPERTS

Bob Gadbois, 358 Boston Post Road said that he is very much in favor of having this section in the regulations.

Mr. Mulholland said that this just means that they would have to come before the Zoning Commission for the Special Permit.

Mr. Nickerson asked if the Commission members had other comments –
Hearing none –

Mr. Nickerson called for a motion to close this Public Hearing.

****MOTION (1)**
Mr. Salemo moved that this Public Hearing be closed.
Mr. Gada seconded the motion.
Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson closed this Public Hearing at 10:50 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Proposed East Lyme Zoning Commission text amendment for drive thru facilities and special permit controls.

Proposed language is underlined and bold.

SECTION 8

CA COMMERCIAL DISTRICTS

General Description and Purpose - A commercial district along arterial routes. The purpose of this district is to provide for convenient neighborhood and community oriented commercial development.

- 8.1 **PERMITTED USES** - The following uses of buildings and/or land and no others are permitted subject to site plan approval in accordance with Section 24.

- 8.1.1 Single family detached dwelling
- 8.1.2 Two family dwelling
- 8.1.3 Business or professional offices
- 8.1.4 Inn, Hotel, Motel, Bed and Breakfast.
- 8.1.5 Hospital, convalescent home or rest home
- 8.1.6 Retail sales stores, gasoline service station, standard restaurant
- 8.1.7 Personal service establishment
- 8.1.8 Undertaking establishment
- 8.1.8.1 Child Care Center
- 8.1.9 Any related accessory uses customarily incidental to the above permitted uses.

(ALSO SEE SECTION 20 -- GENERAL REGULATIONS)

- 8.2 **SPECIAL PERMIT USES** - The following uses may be permitted when granted a Special Permit by the Zoning Commission subject to the Special Permit requirements of Section 25.

- 8.2.1 Commercial facilities which provide indoor recreation, such as assembly halls, dance halls, bowling alleys, video arcades and similar places of public recreation operated as a business.
- 8.2.2 **Mixed Use Dwelling Units** - Dwelling units, limited to mixed use situations in which dwelling units are contained within a building dedicated principally to a permitted commercial, non-residential use. A portion of the jointly used building committed to dwelling units shall not exceed 50 percent of the improved floor area. Sub-grade floor area is not to be considered in this calculation.
- 8.2.3 Commercial golf, tennis or similar club

- 8.2.4 Wholesale store
- 8.2.5 Laundromat
- 8.2.6 Auto sales agency
- 8.2.7 Fast food restaurants
- 8.2.8 Elderly housing, CA
- 8.2.9 Small Animal Veterinary Clinic
- 8.2.10 Car Wash
- 8.2.11 Parking Lots



8.2.12 Drive-thru facilities are permitted as an accessory use for Banks, Financial Institutions, Pharmacies, Bakeries and Restaurants.

(ALSO SEE SECTION 20 -- GENERAL REGULATIONS)

(See Section 25.5 Table of Minimum Controls for Special Permit)

8.3 DIMENSIONAL REQUIREMENTS

8.3.1 LOT SIZE - All lots used for commercial purposes shall have a minimum or 7,500 square feet of lot area. All lots used for mixed residential and commercial purposes shall have a minimum of 5,000 square feet per family in addition to the 7,500 square feet required for commercial use. All lots used solely for residential use shall have a minimum of 10,000 square feet per family.

8.3.2 FRONTAGE - Each lot shall have frontage of not less than 80 feet.

8.3.3 SETBACKS - No building or structure shall be placed less than 20 feet from the street line or 12 feet from other property lines, if not built on the property line in accordance with Section 20.18.

8.3.4 COVERAGE - The total area covered by all buildings and structures on a lot shall not exceed 35 percent of the lot area.

8.3.5 HEIGHT *No building or structure shall exceed 30 feet in height except that the Zoning Commission may, under the provisions of Section 25 (Special Permit) of these regulations, permit an increase in height to a maximum of 55 feet, upon finding that the following standards are met;*

- A. Any building exceeding 30 feet in height shall be designed and used primarily for office and /or hotel use.
- B. The total lot coverage of all buildings exceeding 30 feet in height shall not exceed 10 percent of the lot area.
- C. The increase in height will not significantly impair views from, or the availability of light and air to, abutting or nearby properties.
- D. Where a CA zone abuts a Residential zone, a setback of 100 feet shall be maintained from structures over 30 feet in height;

- 8.3.6 **OFF-STREET PARKING AND LOADING SPACE** - Off-street parking and loading space shall be provided for each commercial use in accordance with the provisions of Section 22 of these regulations.

Proposed language is bold and underlined.

25.5

TABLE OF MINIMUM CONTROLS FOR SPECIFIC SPECIAL PERMIT

<u>USE</u>	<u>DISTRICT</u>	<u>CONTROLS</u>
Agricultural or Farm	All Rural & Residence Districts	<ol style="list-style-type: none">1. Use shall be on a lot not less than two acres.2. No animals or poultry (except household pets) shall be kept less than 100 feet from any property line.
Antique Shop	RU-80 RU-40	<ol style="list-style-type: none">1. No permanent exterior displays.2. All temporary exterior displays shall be kept in a neat and orderly manner.
Antique Shop	R-10	<ol style="list-style-type: none">1. Lot shall not be less than 40,000 square feet.2. No permanent or temporary exterior displays.3. Business must be in dwelling of proprietor.
Assisted Living Facility	CB	<ol style="list-style-type: none">1. Minimum lot area: 40,000 square feet, with public water and sewer2. Minimum living floor area: Efficiency Unit without cooking facilities 275 Square feet. Efficiency Unit with cooking facilities 325 Square feet One bedroom 475 Square feet Two bedroom 650 Square feet3. Common area: The common area of the structure shall be at least 35% of the total building area. Common area shall be defined as all area not devoted to residential units.4. Parking requirements: .4 spaces per living unit5. Transportation: The facility shall provide daily private transportation for residents to local facilities and services.6. Occupancy: Residential units shall be for persons of at least 62 years of age and in the case of multiple occupancy of a dwelling unit, one (1) person shall be at least 62 years of age, none less than 55 years.7. Emergency call system: Each residential unit shall have an emergency call/intercom system with 24 hour on site response.

8. Residential unit facilities: a.) Each residential unit shall include at least a toilet, sink and one shower. b.) A residential unit may include cooking facilities.
9. Density: 40 residential units / acre maximum density
- 10 Noise regulation: No outdoor sound systems shall be allowed.
- 11 Sidewalks: Sidewalks shall be available or constructed to provide access to neighborhood facilities and services.
- 12 Gross floor area: The minimum gross floor area for a building containing an Assisted Living Facility shall be 20,000 square feet.
- 13 Common kitchen/dining facilities: The facility shall have kitchen facilities for preparing and serving full meals to all residents. Common dining facilities shall be provided.
14. Open Space: In addition to required buffers and parking/roadway area, the facility shall provide a suitably landscaped recreational /open space of not less than 10% of the total lot area. Calculation for this area shall include all passive/active outdoor recreational facilities as well as other landscaped areas exclusive of the buffers and roadway/parking area.
15. Staffing: A registered or licensed practical nurse shall be on site or on call 24 hours/day.

Bed & Breakfast	R-12, R-10	1. The lot must be a minimum of 10,000 square feet. There will be not less than 5000 square feet of lot area for each bedroom in the facility including those of the resident.
	RU-40, RU-80	2. The lot must be a minimum of 40,000 square feet for RU 40 and a minimum of 80,000 square feet for RU80. There will be not less than 5,000 square feet of lot area for each bedroom in the facility including those of the resident. 3. <i>The lot must be a minimum of 200,000 square feet.</i> 4. No retail facilities are permitted.
CA, CB, CM all districts		5. The Owner of the facility must reside on the premises. 6. Rooms must have bath facilities separate from those of residents. 7. Parking Area must be screened from adjoining properties with appropriate fencing or landscaping. A landscaped buffer of not less than ten feet must be provided. In lieu of a fence, plantings within the buffer must provide for six foot

		vertical growth with sufficient density to protect adjoining properties.
CA, CB, CM all districts		<p>8. There will be a maximum stay of seven nights for guests of the facility.</p> <p>9. 1 Parking Space per bedroom is required.</p>
Car Wash	CA	<p>1. Facility must hook into Municipal Sewers.</p>
Cemeteries	Rural, Residential & Commercial	<p>1. Located on a plot of not less than two acres</p>
Commercial Golf or Tennis Club, Private Club	Rural, Residence & Commercial	<p>1. It shall be located on a plot of not less than five acres.</p> <p>2. No building shall be located within 100 feet of any street line nor within 150 feet of any other property line.</p> <p>3. No activity shall be carried on which results in objectionable noise audible off the premises.</p>
Commercial Indoor Recreation	LI	<p>1. Lot shall not be less than 80,000 square feet</p> <p>2. Off-street parking shall be provided in accordance with the use as determined by the Zoning Commission.</p>
Drive-in	LI	<p>1. The lot shall be not less than Theatre five acres</p> <p>2. Lights must be adequately screened from adjacent residential areas.</p> <p>3. The access road must be adequate to handle traffic loads.</p>
<u>Drive-thru</u>		
<u>Drive-thru facilities for Banks, Financial Institutions, Pharmacies, Bakeries and Restaurants.</u>		
<p>1. <u>The drive-thru facilities shall clearly be accessory and subordinate to the primary use.</u></p> <p>2. <u>Drive-thru facilities, including required stacking lanes, shall be located in the rear or side yards only.</u></p> <p>3. <u>Drive-thru facilities shall not generate the need for additional driveway curb cuts.</u></p> <p>4. <u>A minimum of five vehicle stacking spaces shall be provided on site for each drive-thru station, including the vehicle being serviced. Where a restaurant order board and service window are proposed each service aisle shall provide a minimum of ten (10) stacking spaces with a</u></p>		

- minimum of five (5) stacking spaces before the order board. Each service aisle shall not have more than two service windows.
5. Stacking lanes shall be separate from internal traffic aisles to allow traffic to circulate through the site without entering the drive-thru facilities.
 6. Stacking lanes shall be a minimum of ten feet (10') wide and each vehicle stacking space shall be twenty feet (20') in length.
 7. Stacking lanes shall be designed to minimize traffic congestion and to promote pedestrian safety.
 8. Drive-thru facilities shall be screened from view from public streets with substantial landscaping using a variety of evergreen and deciduous species.
 9. Outdoor speakers shall be located a minimum of one hundred (100) feet from the boundary of any residentially zoned property and shall not be audible from other property.
 10. Drive-thru facilities should be designed as a compatible architectural element of the primary building;

NOTE: All Fast Food Restaurants are by Special Permit. See Section 8.27.

Elderly
Housing

CA

1. All lots used for Elderly Housing, CA use shall have a minimum of 15,000 square feet
2. At least one (1) off street parking space shall be provided per family unit.
3. No building shall be less than 20 feet from the street line or 12 feet from the property lines, if not built on the property line in accordance with Section 20.18.
4. Each lot shall contain not less than 80 feet frontage.
5. Required floor area in units shall contain not less than 650 square feet for one bedroom and 800 square feet for each two bedroom unit.
6. Each dwelling unit shall be occupied by: