

Jan 25, 19 95 AT 3:00

Lesley A. Blais

East Lyme Town Clerk

ZONING COMMISSION
~~REGULAR MEETING OF JANUARY 19, 1995~~
PUBLIC HEARING MINUTES

PRESENT: Chairman Wayne Fraser, Norm Peck, Paul Formica, Shawn McGlaughlin.
Ex-Officio Donn Jourdan, Zoning Enforcement Officer Bill Mulholland.

PUBLIC DELEGATIONS

There were none.

PUBLIC HEARING 1.:

ZONING COMMISSION PROPOSAL TO AMEND THE EAST LYME ZONING REGULATIONS TO PERMIT SHARED PARKING IN CA AND CB COMMERCIAL ZONES

Chairman Fraser called the public hearing to order at 7:33 p.m. He noted that this public hearing was properly posted in The Day on January 9, 1995 and again on January 16, 1995. Mr. Fraser then read the Proposed Shared Parking Amendment into the record (identified as Attachment A).

Mr. Formica read the first paragraph of the letter from the Planning Commission dated January 11, 1995 into the record (identified as Attachment B).

Mr. Formica read Town Planner Jeanne Davies memo of January 9, 1995 up to the section titled Private Parking Lots, into the record (identified as Attachment C).

Mr. Formica read a letter from Southeastern Connecticut Council of Governments Regional Planning Commission, signed by Russell Wells dated January 10, 1995 into the record (identified as Attachment D).

Mr. Formica read a letter from Winnifred Olson for the Connecticut River Estuary Regional Planning Agency dated January 10, 1995 into the record (identified as Attachment E).

Chairman Fraser read a memo from Town Planner Jeanne Davies dated January 18, 1995 regarding shared parking options into the record (identified as Attachment F).

Chairman Fraser then requested that anyone present wishing to speak in favor of the proposal identify themselves for the record.

Mr. Binger Anderson of 17 Stonecliff Drive stated that he was a member of the Vision 2000 group. He noted that Andy Pappas was unable to attend, but had sent a letter which he proceeded to read into the record (identified as Attachment G).

Mr. Paul Bobinski of Hopkins Drive stated that he was in favor of the parking proposals with some reservations. He said that shared parking was necessary in order to help

the businesses in town. He questioned if under these new provisions, if Smith Pharmacy could not utilize their upstairs and if they proceeded to join in an agreement with the Mitchel Trust, could they then utilize the upstairs.

Chairman Fraser responded they could if there was an agreement.

Mr. Bobinski noted that he could not see what harm would be caused if the owner was allowed to share his parking. He stated that if a commercial property is used as a residence, the owner pays more taxes on this property because it is commercial. He noted that if this commercial property were to be rented to a prospective business, it would help the town since fewer town services would be utilized and the higher commercial tax rate would be collected. He added that he would like the Commission to delete Item 4 under Section 25.5.

Dave Waddington of 19 Cherry Street noted that the proposed provisions addressed CA and CB zones, but marine districts had been left out. He stated that he would like to see the marine districts incorporated into these provisions. He added that Dad's Restaurant and Boats Inc. have utilized shared parking for year on merely a handshake and it worked very well.

Commission member Bill Dwyer entered the meeting at 8:02 p.m. and noted that he would sit as a non-voting member for this public hearing.

Mr. Waddington continued that he wanted to take the seating at the right side of his restaurant and elevate the deck. He added that the Zoning Enforcement Officer had informed him that this could not be done since he did not have enough parking. He noted that shared parking would improve his property by enhancing the visual aspect of the business. He added that the elevation of the deck would also make all of his restaurant handicap accessible.

Donn Jourdan, speaking as a resident, stated that he was in favor of the shared parking concept put forth by this Commission. He noted that Branford had a history of 99 year leases and that their municipal parking had no bearing on this discussion since it was much further away than the 500' limit that this Commission is thinking about. He added that because of the extreme distance, the municipal parking lot in Branford was not utilized.

Mr. Dwyer noted that Branford specifies 500' in their regulations and there is not mention of 99 year leases.

Chairman Fraser inquired if there was anyone wishing to speak in opposition to the proposal.

No one spoke in opposition.

Mr. Peck suggested using Dad's Restaurant and Boats Inc., as an example of the shared parking exercise. He added that Dad's Restaurant utilize the parking area in the summers and Boats Inc., utilize this area in the winters; therefore, seasonal use.

Mr. Dwyer noted that this utilization was illegal.

Mr. Peck stated that the chart in Attachment A does not provide for seasonal sharing.

Chairman Fraser disagreed stating that seasonal periods do not matter as long as only one is using at the time. He pointed out Section 25.5 Item 1; cooperating activities maintaining different hours of operation.

Zoning Enforcement Officer Mulholland noted that if someone wanted to expand their business with a second story, if he got 10 new parking spaces through a shared agreement, this person could get a permit. He questioned if these provisions should be applicable to new construction. He noted that the formula works easier and cleaner when applied to one lot with mixed used development.

Mr. Formica stated that this should work for everyone.

Mr. Dwyer noted that the example cited earlier of Dad's Restaurant and Boats Inc., is one of shared use, not shared parking.

Mr. Formica noted that an amendment would have to be approved to incorporate seasonal use. He inquired if a business could add additional seating if they gleaned extra parking spaces through an agreement.

Mr. Mulholland noted that this would be possible, as this provision is now written.

Mr. Dwyer noted that the Commission's intent was if you had a small lot, this provision would enable you to get more spaces.

Mr. Formica questioned why they had not considered marine zones. He suggested that the Commission go back and re-think things and perhaps reduce the minimum parking requirements. He added that they should be zoning for the future. He noted that this is a great concept, but some of these other ideas should be incorporated.

Mr. Bobinski noted that East Lyme was constantly losing businesses and this Commission should be making it easier for the businessmen to stay in town.

Mr. Dwyer noted that an extensive amount of research went into the drafting of these provisions. The following references were cited:

- Town of Groton Regulations - Section 7.2
- Town of Branford Regulations - Sect 42.1
- The Concept of Shared Parking, "American Planning Assoc."
- Design, Operation and Management of Shared Parking "American Planning Assoc."
- Flexible Parking Requirements by T. P. Smith
- Niantic Parking Study, East Lyme, CT August, 1984
- Transportation Research Board (Parking Small Communities) Jan. 10, 1993
- Parking Study Update, Planning Department, October 6, 1994

Mr. Dwyer noted that the lease portion of the provision could be stronger. He added that there was no way that a private residence should be turned into a parking lot. He stated that the residents were there before the Commission made this a CA zone. Mr. Dwyer continued to say that this town is very lax in their parking regulations and have been very kind to existing businesses. He added that the formula will work in 99% of the cases that will arise. He suggested adding the word "prime" to Section 25.5, subsection 1., to read:

The shared arrangement will permit demonstrably more efficient utilization of parking spaces, which are otherwise under utilized; for example, the cooperating activities maintain different prime hours of operation.

He also suggested changing Section 25.5, subsection 5 from stating "in accordance with the table below" to numbering the table so that it could be referred to easily; "in accordance with Table #1.

Chairman Fraser questioned the way the provision reads and the Commission's intent. He noted subsection 4.; it was the landowner's responsibility, not the Town's if he gives away spaces. He added that we do not restrict the landowner from the use of his property.

Mr. Mulholland inquired at what point the regulations would be applicable.

Chairman Fraser suggested deleting the word "special" from subsection 3. He also stated that in subsection 6, the agreement should be for more than one year.

Mr. Waddington inquired if other towns that were researched, allow CM zones in their shared parking regulations.

Mr. Dwyer responded that Groton does not have any CM zones; they have shared parking in waterfront areas only.

Chairman Fraser noted that in order to add CM district, the Commission would have to go back to all of the State agencies again and hold new public hearings. He stated that if this were to be approved, an amendment could be added at a later date to cover this matter.

Mr. Peck requested more information on the overlay.

Mr. Mulholland stated that this was an alternative to what the Commission was presently considering. He noted that he could report back to the Commission with a more definitive report on this alternative.

Mr. Bobinski noted that if shared parking is approved, it should be available to everyone.

There was a consensus of the Commission to close the public hearing regarding the Zoning Commission's proposal to amend the East Lyme Zoning Regulations to permit Shared Parking in CA and CB Commercial Zones at 8:55 p.m.

PUBLIC HEARING 2: ZONING COMMISSION PROPOSAL TO AMEND THE EAST LYME ZONING REGULATIONS TO ALLOW PARKING LOTS AS A PRIMARY USE IN CA AND CB COMMERCIAL DISTRICTS.

Chairman Fraser called the public hearing to order at 8:59 p.m. He noted that this public hearing had been posted in the New London Day on January 9, 1995 and again on January 16, 1995. He read the proposal into the record (identified as Attachment H).

Mr. Formica read the second paragraph of Attachment B - letter dated January 11, 1995 from the Planning Commission into the record.

Mr. Formica read the section pertaining to private parking lots of Attachment C - letter dated January 9, 1995 from Jeanne Davies, into the record.

Mr. Formica read the section pertaining parking lots as primary uses - from Attachment D - letter from SCCOG dated January 10, 1995 into the record.

Mr. Mulholland noted Section 24 of the Zoning Regulations call for a number of things that are required for parking lots such as landscaping, sidewalks, etc.

Mr. Mulholland also noted that there was no minimum of spaces proposed for in this amendment.

Chairman Fraser noted that no one was present to address the Commission on this topic. He suggested closing this public hearing so they could deliberate in the regular meeting.

The public hearing regarding the Zoning Commission's proposal to amend the East Lyme Zoning Regulations to allow parking lots as a primary use in CA and CB was closed at 9:14 p.m.

The regular meeting of January 19, 1995 of the Zoning Commission was called to order at 9:15 p.m.