

Site Development Application

TOWN PLANNING & ZONING COMMISSION

Dijon, LLC c/o Brian L. McCann, Esq., Its Agent 203-330-2127
Name of Applicant Phone #

Pullman & Comley, LLC, 850 Main Street, Bridgeport, CT 06601 bmccann@pullcom.com
Applicant's Address E-mail Address

Are you the... [] Owner [] Optionee [] Buyer [x] Agent [] Other

If other please explain:

Same as Applicant
Owner(s) of record (if other than applicant) Phone #

Owner's Address E-mail Address

29 Windsor Avenue (Map ID: 81/9/12/A)
Address of Subject Parcel(s)

Business District 2 13.8 Acres 0 Please take proposed from attached
Zone of Subject Parcel(s) Size of Subject Parcel(s) # of Dwelling Units Gross Non-Residential Floor Area Narrative.

The proposed use category of the property is for Gas Station with Car Wash, Convenience Store Drive Thru, which is a:
& Parking within a Front Yard

[] Permitted Use [x] Special Use [] Non-Conforming Use

...in accordance with the following Section(s) of the Zoning Regulations: 15.2.1.A.3; 5.2.6.c; 3.3.1 A; 3.1.2.2 (a)(ii)

Applicant's Signature Brian M. McCann, Esq., Its Agent Date 6/9/23

Owner's Signature Date

Office Use Only

Fee \$ 210.00 Ck. No. Credit Card App. rec'd by: Andrea Comm. Action/Date:



RECEIVED
 JUN 06 2023
 TOWN OF WINDSOR
 PLANNING DEPT

**Application for a
Special Use Permit**

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Name of Applicant
 c/o Brian L. McCann, Esq., Its Agent
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Phone #

E-mail Address

 29 Windsor Avenue (Map ID: 81/9/12/A)
Address of Subject Parcel(s)

Business District 2	13.8 Acres	0	Please take proposed from attached narrative.
Zone of Subject Parcel(s)	Size of Subject Parcel(s)	# of Dwelling Units	Gross Non-Residential Floor Area

Applicable Section(s) of the Zoning Regulations: 15.2.1D - Gas Station with Car Wash - Special Use

Please describe the Special Use and how it will benefit the Town of Windsor:

See attached Application Narrative.

Brian M. McCann
Applicant's Signature Brian M. McCann, Esq., Its agent

 6/6/23
Date

Owner's Signature

Date

Office Use Only*****

Fee \$ 210 Clk. No. Credit Card App. rec'd by: Andrea Comm. Action/Date: _____

Revised 12/08



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Applicant's Address

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Phone #
bmccann@pullcom.com
E-mail Address

Are you the... Owner Optionee Buyer Agent Other

If other please explain: _____

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Owner(s) of record (if other than applicant)

Phone #

Owner's Address

E-mail Address

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Address of Subject Parcel(s)

Business District 2 13.8 Acres 0
Zone of Subject Parcel(s) **Size of Subject Parcel(s)** **# of Dwelling Units**

Please take proposed from attached narrative.
Gross Non-Residential Floor Area

Applicable Section(s) of the Zoning Regulations: 5.2.6C - Convenience Store Drive Thru

Please describe the Special Use and how it will benefit the Town of Windsor:

See attached Application Narrative.


Applicant's Signature Brian M. McCann, Esq., Its agent

6/6/23
Date

Owner's Signature

Date

Office Use Only*****

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Applicant's Address

203-330-2127
Phone #

bmccann@pullcom.com
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Are you the... Owner Optionee Buyer Agent Other

If other please explain: _____

Same as applicant
Owner(s) of record (if other than applicant)

_____ **Phone #**

_____ **E-mail Address**

29 Windsor Avenue (Map ID: 81/9/12/A)
Address of Subject Parcel(s)

Business District 2	13.8 Acres	0	Please take proposed from attached narrative.
Zone of Subject Parcel(s)	Size of Subject Parcel(s)	# of Dwelling Units	Gross Non-Residential Floor Area

Applicable Section(s) of the Zoning Regulations: 15.2.16 - Parking Within a Front Yard

Please describe the Special Use and how it will benefit the Town of Windsor:

See attached Application Narrative.

Brian M. McCann
Applicant's Signature Brian M. McCann, Esq., its agent

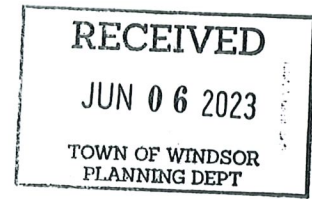
6/6/23
Date

Owner's Signature

Date

Office Use Only*****

Fee \$ 210
 CK. No. Credit Card
 App. rec'd by: *Andrea*
 Comm. Action/Date: _____



Application Narrative Proposed Development 29 Windsor Avenue

I. Site Description / Background

The subject parcel at 29 Windsor Avenue (“Site”) is 13.8 acres in size and located in a Business 2 Zoning District. The owner/applicant is Dijon, LLC. The Site is the former home of the Flamingo Inn, a hotel which was demolished in 2019. The Site is bordered to the north by a southbound off-ramp of Interstate highway 91. It is currently vacant land.

II. Proposed Development

The current zoning application is for a gas station with 16 fueling stations and a 6,000 square foot convenience store, and a detached single-tunnel car wash (“Proposal”).

The above-described Proposal is phase one of what is proposed as a two-phase development. The second phase is not part of this application and will be applied for separately. The plan and application for the second phase should be considered on its own merits and should not impact the decision for this Proposal.

As is demonstrated in this application, report and associated plans and materials – this Proposal satisfies the Town’s zoning requirements and demonstrates how it meets each special permit criteria. If and when there is an application for the second phase that application would be required to do the same – and that application and special permit review would need to account for those improvements from phase one should they be approved or built.

III. Permits Required

The above-referenced Proposal will require the following permits from the Planning and Zoning Commission:

- Special Use Permit (Fuel Filling Stations and Associated Convenience Store per 15.2.1.A.3)
- Special Use Permit (Convenience Store Drive-thru per Section 5.2.6.c)
- Special Use Permit (Parking within front yard setback)-prohibited by Section 3.3.1 A.

- Reduction Request per Section 3.1.2.2 (a)(ii): request to reduce required 15-foot separation between building and Parking/drive aisle to 6-feet in the Wilson Study area.

IV. Legal Standard for Special Use Permits

A. Common Law

Special permits are not personal to the owner of the subject property they are issued based on the particular circumstances presented to the P & Z at the hearing. “The basic rationale for the special permit ... is that while certain uses may be generally compatible with the uses permitted as of right in a particular zoning district, their nature is such that their precise location and mode of operation must be individually regulated.” *Smith–Groh, Inc. v. Planning and Zoning Com'n of Greenwich*, 78 Conn.App. 216, 228 (2003), quoting T. Tondro, *Connecticut Land Use Regulation*, p. 175 (2d ed. 1992) (“Tondro”). “A special permit allows a property owner to use his property in a manner expressly permitted by the local zoning regulations ... The proposed use, however, must satisfy standards set forth in the zoning regulations as well as the conditions necessary to protect the public health, safety, convenience and property values ...” *Heithaus v. Planning & Zoning Com'n of Greenwich*, 258 Conn. 205, 215–17 (2001). General considerations such as public health, safety and welfare, which are enumerated in zoning regulations, may be the basis for approval or denial of a special permit”

B. Windsor Zoning Regulation Standards

(i) Section 15.1.3 Considerations for Special Uses:

Special uses shall be granted only where the Commission finds that the proposed use, extension, substantial alteration or change of an existing use is in accord with the public convenience, health, safety, and welfare after taking into account, where appropriate:

A. The nature of the proposed site, including its size and shape and the proposed size, shape, character, and arrangement of proposed structures and landscaping;

As detailed in this report, the Site is a bit unique in that it is a very large site (13.8 acres) for Windsor Avenue and the Business 2 zone, but what really makes it stand apart – is its proximity to the on and off ramps of Interstate 91. The uses were selected with this proximity in mind – and

this not only allows for additional bulk and traffic, but also makes the Site well-suited for these uses.

B. The resulting congestion, vehicular, and pedestrian circulation and adequacy of the street system and other public facilities;

The Proposal will have one full access driveway on Windsor Avenue and one entrance/right-on only driveway on Windsor Avenue located approximately 140 feet north of the full access driveway.

A total of 50 parking spaces are proposed for the car wash, convenience store, and gas station. On site, pedestrian walkways are designed to connect parking areas with the associated building.

C. The nature of the surrounding area and the extent that the proposed use or feature will be in harmony with it;

The Site is isolated from the rest of the Town, separated by Interstate 91 and its associated on and off ramps. This section of Windsor Avenue is mostly a commercial corridor – consisting of a mixture of offices, retail uses, gas stations, institutional uses, and restaurants. There are a few small pockets of residential neighborhoods set behind Windsor Avenue on either side in the immediate vicinity. Given the Site’s proximity to the town border most of these described uses are located in the City of Hartford.

The Proposal is in harmony with the surrounding area and uses. It consists of similar uses of service and convenience. The ‘commuter oriented’ uses in the Proposal are well-sited they are adjacent to a main interstate highway, and commuter corridor. The Proposal’s uses are not only similar and in harmony with the nearby uses, but they are best located outside of the center of town and near the main commuter arteries for those are the customers the uses will serve.

D. The public need of the proposed use or uses on the proposed site at the time of application;

“The biggest economic problem the U.S. currently faces is low labor force participation,” University of Michigan economist Betsey Stevenson told the U.S. House of Representatives Subcommittee on the Coronavirus Crisis last month.

The Proposal's uses are designed to support the commuter, which will support the State's workforce in a time of need. The uses and layout of this Proposal will allow the commuter/user to fill their car's gas tank, grab a bite to eat for breakfast, and head to work – all in one location. This will reduce the commuter's number of trips around town during rush hour and allow the busy worker to be efficient with their time.

E. The Plan of Conservation and Development and other expressions of the purpose and intent of these Regulations;

(i) Plan of Conservation and Development (“POCD”)

“The southern end of Wilson is anchored by two large commercial areas to the north and south of Exit 34 of I-91 . . . generally the development of these areas should be with attractive, quality, development that serves as a southern gateway into both Wilson and Windsor . . . It should be noted that while the redevelopment and enhancement of commercial properties further north is encouraged, their conversion to highway oriented regional shopping venues that invite excessive traffic into the heart of Wilson should be discouraged.” Windsor POCD, September 29, 2015, page 9-4.

The Proposal for the Site is for an attractive, quality development. Although the Site's lot shape is slightly narrower toward Windsor Avenue, it opens in the rear of the Site and has a somewhat “L” shaped appearance. The landscape architect has designed an attractive entrance to the Site – which will contribute to the attractiveness of the southern gateway into the Town and the Wilson Village.

Exit 34- Wilson Opportunity Area #3. “The B-2 properties south of I-91 should also be redeveloped to take advantage of Exit 34, excellent bus service and close proximity to Hartford. While upscale office development would be preferable, the economic reality of the area may warrant redevelopment into regional business opportunities that take advantage of the high visibility and access from adjacent I-91 . . . As this area is the southern gateway into town, care should be taken to ensure that attractive, quality development occurs that does not detract from ongoing enhancement programs taking place to the north.” Windsor POCD, September 29, 2015, page 8-5.

The Proposal complies with this section in that uses are traffic dependent, commuter-oriented uses. This development is intended to take advantage of the high visibility from I-91 and its exit 34. Each component of the design will serve the highway commuter. The service station and car wash will serve the vehicle which gets the commuter to work. The convenience store may be a location where the commuter can get his or her meal before or after the workday. The Town's POCD not only recognizes that these uses are necessary, and fit the location, but it also recognizes that these higher traffic and commuter-dependent type uses are much better suited *for this type of location with very close proximity to the highway access* – and *not* closer to the heart of Wilson.

F. The environmental, ecological, soil, and drainage characteristics of the site and the surrounding area; and

On-site stormwater drains from the impervious areas of the Site from the western side of the property toward the eastern (Windsor Avenue) side. The stormwater is captured in a series of catch basins within the parking areas and travel lanes – and flows through 7 subsurface stormwater infiltration systems which are tied together in series. The system is designed so that the second stormwater system serves as a high-level overflow for the first, and so on. The 7 infiltration systems are made up on a total of 211 Cultec stormwater chambers.

The site plan also includes a robust sedimentation and erosion control plan for the site. This S&E control plan will ensure that neighboring properties, water bodies, and roadways will not receive sediments from the Site. The S&E controls will remain in place until the site is stabilized. The long-term Site stabilization and sedimentation plan will be comprised of a landscape planting plan, catch basin system with clean-out access, and engineered retaining walls.

G. When evaluating a reapproval of a special use, the history of compliance with any previous conditions or safeguards and demonstrated performance during the term of the previous approval with respect to the considerations of A through F above.

Not applicable.

Special Use Permit – Fuel Filling Stations (and associated Convenience Store) (per section 15.2.1)

Because of the large volume of traffic generated by a fuel filling station and its potential effect on the development and use of surrounding areas, the Commission must find that the fuel filling station is warranted by existing and potential development of surrounding areas.

A. Fuel filling station shall comply with the following minimum requirements:

(1) minimum lot area - 1.5 acres;

Lot area = 13.8 acres

(2) minimum lot width - 175 feet;

Lot width = 189 feet

(3) locate within 300 feet of a ramp of a limited access highway;

Distance = 60 feet

(4) the orientation of service bay doors shall be to the rear of the building;

No service bay doors are proposed.

(5) berms, plantings, walls, and fences shall be appropriately designed and located to screen all unsightly areas;

See attached plan from landscape architect.

(6) minimization of the parking or standing of vehicles in areas visible from the street;

The drive-through window is located behind the convenience store along with 120 feet of vehicle queueing area – therefore, the building will block most of the vehicle queueing from the street.

(7) except for the primary activity of selling fuel, all other allowed activities shall be contained within a building;

The two other activities associated with the gas station – convenience store sales and car wash- are completely located within a building.

(8) and the disposal of all waste water and liquids used on the site shall be governed by applicable federal, state and local regulations and permitting requirements.

Yes.

Special Use Permit - Off-Street Parking (per Section 3.3.1)

The design of off-street parking lots shall comply with the following requirements and standards.

3.3.1. General Requirements

- A. Whenever practical, parking lots in the required front yard area shall be avoided, but in cases where Sections 3.1.2, 5.2.2B, 8.2.1, 14.2.4B(1), and 14.2.4B(2) apply, they shall be prohibited.

The Site has a bit of an unusual shape – it has a ‘dogleg’ shape and a somewhat narrow road frontage. Despite that challenge the Site Engineers have done an excellent job at designing a traffic circulation pattern – including designing a drive through stacking area which will not impede parking or traffic circulation. The narrow entry and road frontage area makes parking behind the convenience store very challenging and would negatively impact the Site’s traffic circulation.

- (ii) Special Use Permit – Convenience Store Drive-Through (per Section 5.1.6)

The Commission may permit the following uses subject to the applicable provisions of Section 15 and as specified below.

- A. Establishments with drive-through windows provided that the Commission determines that:

- (1) each drive-through window has a vehicle queuing area of at least 80 feet in length; and

The proposed convenience store drive-through queuing area is approximately 120 feet in length (as shown on attached plans), there is an additional 300 feet of ‘stacking’ area on the north side of the convenience store building.

- (2) the drive-through window and its associated queuing area do not interfere with the safe use of required parking spaces, interior vehicular or pedestrian circulation, or any access driveway to or from a public street.

The proposed location of the drive-through is on the western side “back” of the convenience store building. The traffic circulation for the drive through was specifically designed separate from the parking areas and site’s traffic circulation (to not interfere with the safe and efficient site traffic circulation and parking)

- (iii) Reduction Request – Building / Drive Aisle Separation (per Section 3.1.2)

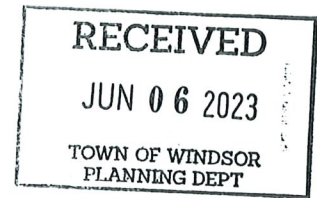
- C. Required Landscaping Within Parking Lots

(2) Parking Lots Adjacent to Buildings Except as provided below, no parking lot or driveway shall be closer than ten feet from any portion of a building other than its drive-through lane, garage entrance, truck loading area apron, or short-term truck loading space:

(ii) for developments in Windsor Center, its Fringe Areas, and the entire Wilson Study Area (including north of Putnam Highway), as depicted in the Windsor Center Plan and Wilson Plan in the Plan of Conservation and Development (see Appendix, pages A-28 and A-29), the Commission may reduce the distance requirements above to no less than three feet (see Appendix, page A-12);

The building seeks a reduction from the required ten-foot pavement to building separation distance. The building exceeds the minimum three-foot separation distance. While efforts were made to maintain a landscape area surrounding the proposed building – site elements such as topography and grading made this difficult.

Application Narrative Proposed Development 29 Windsor Avenue



I. Site Description / Background

The subject parcel at 29 Windsor Avenue (“Site”) is 13.8 acres in size and located in a Business 2 Zoning District. The owner/applicant is Dijon, LLC. The Site is the former home of the Flamingo Inn, a hotel which was demolished in 2019. The Site is bordered to the north by a southbound off-ramp of Interstate highway 91. It is currently vacant land.

II. Proposed Development

The current zoning application is for a gas station with 16 fueling stations and a 6,000 square foot convenience store, and a detached single-tunnel car wash (“Proposal”).

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- Reduction Request per Section 3.1.2.2 (a)(ii): request to reduce required 15-foot separation between building and Parking/drive aisle to 6-feet in the Wilson Study area.

IV. Legal Standard for Special Use Permits

A. Common Law

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A. The nature of the proposed site, including its size and shape and the proposed size, shape, character, and arrangement of proposed structures and landscaping;

As detailed in this report, the Site is a bit unique in that it is a very large site (13.8 acres) for Windsor Avenue and the Business 2 zone, but what really makes it stand apart – is its proximity to the on and off ramps of Interstate 91. The uses were selected with this proximity in mind – and

this not only allows for additional bulk and traffic, but also makes the Site well-suited for these uses.

B. The resulting congestion, vehicular, and pedestrian circulation and adequacy of the street system and other public facilities;

The Proposal will have one full access driveway on Windsor Avenue and one entrance/right-on only driveway on Windsor Avenue located approximately 140 feet north of the full access driveway.

A total of 50 parking spaces are proposed for the car wash, convenience store, and gas station. On site, pedestrian walkways are designed to connect parking areas with the associated building.

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E. The Plan of Conservation and Development and other expressions of the purpose and intent of these Regulations;

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Exit 34- Wilson Opportunity Area #3. “The B-2 properties south of I-91 should also be redeveloped to take advantage of Exit 34, excellent bus service and close proximity to Hartford. While upscale office development would be preferable, the economic reality of the area may warrant redevelopment into regional business opportunities that take advantage of the high visibility and access from adjacent I-91 . . . As this area is the southern gateway into town, care should be taken to ensure that attractive, quality development occurs that does not detract from ongoing enhancement programs taking place to the north.” Windsor POCD, September 29, 2015, page 8-5.

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F. The environmental, ecological, soil, and drainage characteristics of the site and the surrounding area; and

On-site stormwater drains from the impervious areas of the Site from the western side of the property toward the eastern (Windsor Avenue) side. The stormwater is captured in a series of catch basins within the parking areas and travel lanes – and flows through 7 subsurface stormwater infiltration systems which are tied together in series. The system is designed so that the second stormwater system serves as a high-level overflow for the first, and so on. The 7 infiltration systems are made up on a total of 211 Cultec stormwater chambers.

The site plan also includes a robust sedimentation and erosion control plan for the site. This S&E control plan will ensure that neighboring properties, water bodies, and roadways will not receive sediments from the Site. The S&E controls will remain in place until the site is stabilized. The long-term Site stabilization and sedimentation plan will be comprised of a landscape planting plan, catch basin system with clean-out access, and engineered retaining walls.

G. When evaluating a reapproval of a special use, the history of compliance with any previous conditions or safeguards and demonstrated performance during the term of the previous approval with respect to the considerations of A through F above.

Not applicable.

Special Use Permit – Fuel Filling Stations (and associated Convenience Store) (per section 15.2.1)

Because of the large volume of traffic generated by a fuel filling station and its potential effect on the development and use of surrounding areas, the Commission must find that the fuel filling station is warranted by existing and potential development of surrounding areas.

A. Fuel filling station shall comply with the following minimum requirements:

(1) minimum lot area - 1.5 acres;

Lot area = 13.8 acres

(2) minimum lot width - 175 feet;

Lot width = 189 feet

(3) locate within 300 feet of a ramp of a limited access highway;

Distance = 60 feet

(4) the orientation of service bay doors shall be to the rear of the building;

No service bay doors are proposed.

(5) berms, plantings, walls, and fences shall be appropriately designed and located to screen all unsightly areas;

See attached plan from landscape architect.

(6) minimization of the parking or standing of vehicles in areas visible from the street;

The drive-through window is located behind the convenience store along with 120 feet of vehicle queueing area – therefore, the building will block most of the vehicle queueing from the street.

(7) except for the primary activity of selling fuel, all other allowed activities shall be contained within a building;

The two other activities associated with the gas station – convenience store sales and car wash- are completely located within a building.

(8) and the disposal of all waste water and liquids used on the site shall be governed by applicable federal, state and local regulations and permitting requirements.

Yes.

Special Use Permit - Off-Street Parking (per Section 3.3.1)

The design of off-street parking lots shall comply with the following requirements and standards.

3.3.1. General Requirements

- A. Whenever practical, parking lots in the required front yard area shall be avoided, but in cases where Sections 3.1.2, 5.2.2B, 8.2.1, 14.2.4B(1), and 14.2.4B(2) apply, they shall be prohibited.

The Site has a bit of an unusual shape – it has a ‘dogleg’ shape and a somewhat narrow road frontage. Despite that challenge the Site Engineers have done an excellent job at designing a traffic circulation pattern – including designing a drive through stacking area which will not impede parking or traffic circulation. The narrow entry and road frontage area makes parking behind the convenience store very challenging and would negatively impact the Site’s traffic circulation.

- (ii) Special Use Permit – Convenience Store Drive-Through (per Section 5.1.6)

The Commission may permit the following uses subject to the applicable provisions of Section 15 and as specified below.

- A. Establishments with drive-through windows provided that the Commission determines that:

- (1) each drive-through window has a vehicle queuing area of at least 80 feet in length; and

The proposed convenience store drive-through queuing area is approximately 120 feet in length (as shown on attached plans), there is an additional 300 feet of ‘stacking’ area on the north side of the convenience store building.

- (2) the drive-through window and its associated queuing area do not interfere with the safe use of required parking spaces, interior vehicular or pedestrian circulation, or any access driveway to or from a public street.

The proposed location of the drive-through is on the western side “back” of the convenience store building. The traffic circulation for the drive through was specifically designed separate from the parking areas and site’s traffic circulation (to not interfere with the safe and efficient site traffic circulation and parking)

- (iii) Reduction Request – Building / Drive Aisle Separation (per Section 3.1.2)

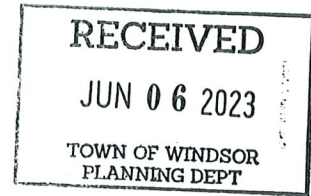
- C. Required Landscaping Within Parking Lots

(2) Parking Lots Adjacent to Buildings Except as provided below, no parking lot or driveway shall be closer than ten feet from any portion of a building other than its drive-through lane, garage entrance, truck loading area apron, or short-term truck loading space:

(ii) for developments in Windsor Center, its Fringe Areas, and the entire Wilson Study Area (including north of Putnam Highway), as depicted in the Windsor Center Plan and Wilson Plan in the Plan of Conservation and Development (see Appendix, pages A-28 and A-29), the Commission may reduce the distance requirements above to no less than three feet (see Appendix, page A-12);

The building seeks a reduction from the required ten-foot pavement to building separation distance. The building exceeds the minimum three-foot separation distance. While efforts were made to maintain a landscape area surrounding the proposed building – site elements such as topography and grading made this difficult.

Application Narrative Proposed Development 29 Windsor Avenue



I. Site Description / Background

The subject parcel at 29 Windsor Avenue (“Site”) is 13.8 acres in size and located in a Business 2 Zoning District. The owner/applicant is Dijon, LLC. The Site is the former home of the Flamingo Inn, a hotel which was demolished in 2019. The Site is bordered to the north by a southbound off-ramp of Interstate highway 91. It is currently vacant land.

II. Proposed Development

The current zoning application is for a gas station with 16 fueling stations and a 6,000 square foot convenience store, and a detached single-tunnel car wash (“Proposal”).

The above-described Proposal is phase one of what is proposed as a two-phase development. The second phase is not part of this application and will be applied for separately. The plan and application for the second phase should be considered on its own merits and should not impact the decision for this Proposal.

As is demonstrated in this application, report and associated plans and materials – this Proposal satisfies the Town’s zoning requirements and demonstrates how it meets each special permit criteria. If and when there is an application for the second phase that application would be required to do the same – and that application and special permit review would need to account for those improvements from phase one should they be approved or built.

III. Permits Required

The above-referenced Proposal will require the following permits from the Planning and Zoning Commission:

- Special Use Permit (Fuel Filling Stations and Associated Convenience Store per 15.2.1.A.3)
- Special Use Permit (Convenience Store Drive-thru per Section 5.2.6.c)
- Special Use Permit (Parking within front yard setback)-prohibited by Section 3.3.1 A.

- Reduction Request per Section 3.1.2.2 (a)(ii): request to reduce required 15-foot separation between building and Parking/drive aisle to 6-feet in the Wilson Study area.

IV. Legal Standard for Special Use Permits

A. Common Law

Special permits are not personal to the owner of the subject property they are issued based on the particular circumstances presented to the P & Z at the hearing. “The basic rationale for the special permit ... is that while certain uses may be generally compatible with the uses permitted as of right in a particular zoning district, their nature is such that their precise location and mode of operation must be individually regulated.” *Smith–Groh, Inc. v. Planning and Zoning Com'n of Greenwich*, 78 Conn.App. 216, 228 (2003), quoting T. Tondro, *Connecticut Land Use Regulation*, p. 175 (2d ed. 1992) (“Tondro”). “A special permit allows a property owner to use his property in a manner expressly permitted by the local zoning regulations ... The proposed use, however, must satisfy standards set forth in the zoning regulations as well as the conditions necessary to protect the public health, safety, convenience and property values ...” *Heithaus v. Planning & Zoning Com'n of Greenwich*, 258 Conn. 205, 215–17 (2001). General considerations such as public health, safety and welfare, which are enumerated in zoning regulations, may be the basis for approval or denial of a special permit”

B. Windsor Zoning Regulation Standards

(i) Section 15.1.3 Considerations for Special Uses:

Special uses shall be granted only where the Commission finds that the proposed use, extension, substantial alteration or change of an existing use is in accord with the public convenience, health, safety, and welfare after taking into account, where appropriate:

A. The nature of the proposed site, including its size and shape and the proposed size, shape, character, and arrangement of proposed structures and landscaping;

As detailed in this report, the Site is a bit unique in that it is a very large site (13.8 acres) for Windsor Avenue and the Business 2 zone, but what really makes it stand apart – is its proximity to the on and off ramps of Interstate 91. The uses were selected with this proximity in mind – and

this not only allows for additional bulk and traffic, but also makes the Site well-suited for these uses.

B. The resulting congestion, vehicular, and pedestrian circulation and adequacy of the street system and other public facilities;

The Proposal will have one full access driveway on Windsor Avenue and one entrance/right-on only driveway on Windsor Avenue located approximately 140 feet north of the full access driveway.

A total of 50 parking spaces are proposed for the car wash, convenience store, and gas station. On site, pedestrian walkways are designed to connect parking areas with the associated building.

C. The nature of the surrounding area and the extent that the proposed use or feature will be in harmony with it;

The Site is isolated from the rest of the Town, separated by Interstate 91 and its associated on and off ramps. This section of Windsor Avenue is mostly a commercial corridor – consisting of a mixture of offices, retail uses, gas stations, institutional uses, and restaurants. There are a few small pockets of residential neighborhoods set behind Windsor Avenue on either side in the immediate vicinity. Given the Site’s proximity to the town border most of these described uses are located in the City of Hartford.

The Proposal is in harmony with the surrounding area and uses. It consists of similar uses of service and convenience. The ‘commuter oriented’ uses in the Proposal are well-sited they are adjacent to a main interstate highway, and commuter corridor. The Proposal’s uses are not only similar and in harmony with the nearby uses, but they are best located outside of the center of town and near the main commuter arteries for those are the customers the uses will serve.

D. The public need of the proposed use or uses on the proposed site at the time of application;

“The biggest economic problem the U.S. currently faces is low labor force participation,” University of Michigan economist Betsey Stevenson told the U.S. House of Representatives Subcommittee on the Coronavirus Crisis last month.

The Proposal's uses are designed to support the commuter, which will support the State's workforce in a time of need. The uses and layout of this Proposal will allow the commuter/user to fill their car's gas tank, grab a bite to eat for breakfast, and head to work – all in one location. This will reduce the commuter's number of trips around town during rush hour and allow the busy worker to be efficient with their time.

E. The Plan of Conservation and Development and other expressions of the purpose and intent of these Regulations;

(i) Plan of Conservation and Development (“POCD”)

“The southern end of Wilson is anchored by two large commercial areas to the north and south of Exit 34 of I-91 . . . generally the development of these areas should be with attractive, quality, development that serves as a southern gateway into both Wilson and Windsor . . . It should be noted that while the redevelopment and enhancement of commercial properties further north is encouraged, their conversion to highway oriented regional shopping venues that invite excessive traffic into the heart of Wilson should be discouraged.” Windsor POCD, September 29, 2015, page 9-4.

The Proposal for the Site is for an attractive, quality development. Although the Site's lot shape is slightly narrower toward Windsor Avenue, it opens in the rear of the Site and has a somewhat “L” shaped appearance. The landscape architect has designed an attractive entrance to the Site – which will contribute to the attractiveness of the southern gateway into the Town and the Wilson Village.

Exit 34- Wilson Opportunity Area #3. “The B-2 properties south of I-91 should also be redeveloped to take advantage of Exit 34, excellent bus service and close proximity to Hartford. While upscale office development would be preferable, the economic reality of the area may warrant redevelopment into regional business opportunities that take advantage of the high visibility and access from adjacent I-91 . . . As this area is the southern gateway into town, care should be taken to ensure that attractive, quality development occurs that does not detract from ongoing enhancement programs taking place to the north.” Windsor POCD, September 29, 2015, page 8-5.

The Proposal complies with this section in that uses are traffic dependent, commuter-oriented uses. This development is intended to take advantage of the high visibility from I-91 and its exit 34. Each component of the design will serve the highway commuter. The service station and car wash will serve the vehicle which gets the commuter to work. The convenience store may be a location where the commuter can get his or her meal before or after the workday. The Town's POCD not only recognizes that these uses are necessary, and fit the location, but it also recognizes that these higher traffic and commuter-dependent type uses are much better suited *for this type of location with very close proximity to the highway access* – and *not* closer to the heart of Wilson.

F. The environmental, ecological, soil, and drainage characteristics of the site and the surrounding area; and

On-site stormwater drains from the impervious areas of the Site from the western side of the property toward the eastern (Windsor Avenue) side. The stormwater is captured in a series of catch basins within the parking areas and travel lanes – and flows through 7 subsurface stormwater infiltration systems which are tied together in series. The system is designed so that the second stormwater system serves as a high-level overflow for the first, and so on. The 7 infiltration systems are made up on a total of 211 Cultec stormwater chambers.

The site plan also includes a robust sedimentation and erosion control plan for the site. This S&E control plan will ensure that neighboring properties, water bodies, and roadways will not receive sediments from the Site. The S&E controls will remain in place until the site is stabilized. The long-term Site stabilization and sedimentation plan will be comprised of a landscape planting plan, catch basin system with clean-out access, and engineered retaining walls.

G. When evaluating a reapproval of a special use, the history of compliance with any previous conditions or safeguards and demonstrated performance during the term of the previous approval with respect to the considerations of A through F above.

Not applicable.

Special Use Permit – Fuel Filling Stations (and associated Convenience Store) (per section 15.2.1)

Because of the large volume of traffic generated by a fuel filling station and its potential effect on the development and use of surrounding areas, the Commission must find that the fuel filling station is warranted by existing and potential development of surrounding areas.

A. Fuel filling station shall comply with the following minimum requirements:

(1) minimum lot area - 1.5 acres;

Lot area = 13.8 acres

(2) minimum lot width - 175 feet;

Lot width = 189 feet

(3) locate within 300 feet of a ramp of a limited access highway;

Distance = 60 feet

(4) the orientation of service bay doors shall be to the rear of the building;

No service bay doors are proposed.

(5) berms, plantings, walls, and fences shall be appropriately designed and located to screen all unsightly areas;

See attached plan from landscape architect.

(6) minimization of the parking or standing of vehicles in areas visible from the street;

The drive-through window is located behind the convenience store along with 120 feet of vehicle queueing area – therefore, the building will block most of the vehicle queueing from the street.

(7) except for the primary activity of selling fuel, all other allowed activities shall be contained within a building;

The two other activities associated with the gas station – convenience store sales and car wash- are completely located within a building.

(8) and the disposal of all waste water and liquids used on the site shall be governed by applicable federal, state and local regulations and permitting requirements.

Yes.

Special Use Permit - Off-Street Parking (per Section 3.3.1)

The design of off-street parking lots shall comply with the following requirements and standards.

3.3.1. General Requirements

- A. Whenever practical, parking lots in the required front yard area shall be avoided, but in cases where Sections 3.1.2, 5.2.2B, 8.2.1, 14.2.4B(1), and 14.2.4B(2) apply, they shall be prohibited.

The Site has a bit of an unusual shape – it has a ‘dogleg’ shape and a somewhat narrow road frontage. Despite that challenge the Site Engineers have done an excellent job at designing a traffic circulation pattern – including designing a drive through stacking area which will not impede parking or traffic circulation. The narrow entry and road frontage area makes parking behind the convenience store very challenging and would negatively impact the Site’s traffic circulation.

- (ii) Special Use Permit – Convenience Store Drive-Through (per Section 5.1.6)

The Commission may permit the following uses subject to the applicable provisions of Section 15 and as specified below.

- A. Establishments with drive-through windows provided that the Commission determines that:

- (1) each drive-through window has a vehicle queuing area of at least 80 feet in length; and

The proposed convenience store drive-through queuing area is approximately 120 feet in length (as shown on attached plans), there is an additional 300 feet of ‘stacking’ area on the north side of the convenience store building.

- (2) the drive-through window and its associated queuing area do not interfere with the safe use of required parking spaces, interior vehicular or pedestrian circulation, or any access driveway to or from a public street.

The proposed location of the drive-through is on the western side “back” of the convenience store building. The traffic circulation for the drive through was specifically designed separate from the parking areas and site’s traffic circulation (to not interfere with the safe and efficient site traffic circulation and parking)

- (iii) Reduction Request – Building / Drive Aisle Separation (per Section 3.1.2)

- C. Required Landscaping Within Parking Lots

(2) Parking Lots Adjacent to Buildings Except as provided below, no parking lot or driveway shall be closer than ten feet from any portion of a building other than its drive-through lane, garage entrance, truck loading area apron, or short-term truck loading space:

(ii) for developments in Windsor Center, its Fringe Areas, and the entire Wilson Study Area (including north of Putnam Highway), as depicted in the Windsor Center Plan and Wilson Plan in the Plan of Conservation and Development (see Appendix, pages A-28 and A-29), the Commission may reduce the distance requirements above to no less than three feet (see Appendix, page A-12);

The building seeks a reduction from the required ten-foot pavement to building separation distance. The building exceeds the minimum three-foot separation distance. While efforts were made to maintain a landscape area surrounding the proposed building – site elements such as topography and grading made this difficult.