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**Application:** Special Exception  
SE #2020-4  
**Applicant:** John Sheil  
**Owner:** Saybrook Corners LLC  
**Address:** 373 East Main Street (35-0186)  
**Zone:** TD  
**Description:** Proposed Auto Repair and Used Car Sales

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### **Proposal**

John Sheil submitted an application for special exception and site plan review for a change of use from retail to auto repair and used car sales in a portion of the building located at 373 East Main Street in the TD zone pursuant to Sections 39, 44, 55, and 60 of the Middletown Zoning Code.

### **Existing Conditions**

The property consists of 5.49 acres in the TD zone with frontage on Saybrook Road. It is bounded by commercial properties in the TD zone located to the north, east, and west, and Sumner Brook and residential properties in the RPZ zone to the south.

The property is improved with three commercial buildings, including a Walgreens, a Webster Bank drive-through ATM and a multi tenant commercial building containing Advanced Auto Parts.

### **Proposed Conditions**

The applicant proposes a change of use from retail to automotive repair and automotive sales for a portion of the southern building on the lot.

No other site work is proposed.

### **Buildings and Uses**

The applicant proposes to occupy a 6,745 SF portion on the west (rear side) of the former office building, and now retail building to relocate his automobile service and automobile sales business from his current location on Washington Street. The total building footprint is 16,361 SF.

Automobile repair and sales are special exception uses in the TD zone (39.01, 61.01.04, and 61.01.45).

### **Parking, Loading and Circulation**

The site is currently developed with ±163 parking spaces.

The existing space has a retail use demands 23 parking spaces (1:300SF) (40.04.04).

No floor plan for the layout of the tenant space was provided so it is unclear what the parking demand would be for the service use. One (1) parking space for each one hundred (100) SF of

floor area of the shop or garage and one (1) parking space for each two (2) employees) is required (40.04.02).

The automobiles sales use does not have a specific parking demand, but considering the automobile sales is secondary to the repair use, the parking demand should be limited to the number cars on display, which could be limited to up to 8 cars.

There are 40 parking spaces constructed to the rear of the building that would provide parking for the proposed use.

### **Drainage**

The existing site development has a drainage infrastructure. No changes to impervious surfaces or drainage flows are proposed.

### **Utilities**

The existing building is service by city sewer, city water, and electrical service. No changes are proposed.

### **Erosion & Sediment Controls**

No exterior site disturbance is proposed.

### **Special Exception Findings (44.04)**

The Commission may grant a special exception when making a finding on the following criteria below:

#### Compliance with the City Plan

The 2010 Plan of Conservation and Development calls for a mix of uses to ensure neighborhood vitality. The POCD notes the importance of commercial development in established neighborhoods located in the TD zone.

#### Adverse Effects

The proposed uses, if controls are in place for limiting outdoor storage and display, is not likely to have any adverse impacts on health or safety.

#### Visibility and Accessibility

The location of outdoor display of automobile sales may potentially impact visibility and accessibility of other commercial uses on the site. The location should be indicated on a site plan.

#### Traffic Movement

If controls are in place for limiting outdoor storage and display, it is unlikely traffic movement on or off site will be impacted by the proposed uses.

#### Orderly Development

The proposed uses are within a developed commercial site with existing buildings, driveways and parking spaces. The area, in general, is developed with access points established and designed for capacity.

#### Property Values and Character

The subject property and adjacent properties are located in transitional zones with aging mixed use and residential buildings and typical one-story box commercial development. It is unlikely these proposed uses would negatively impact property values or character.

#### Parking and Loading

The property is currently developed and has ±163 parking spaces on site. A detailed parking demand analysis was not conducted because the site has traditionally not experienced a parking shortage. It is unlikely the proposed uses would have any impact on parking.

The Commission has the authority to modify the parking requirement to provide relief for developed properties when creation of additional parking is peculiar and practically difficult (40.08).

#### Compliance with Standards

Section 44.08.33 requires additional standards for automobile sales.

1. The property has only frontage on a local road and fails to comply with the requirement a minimum frontage of 100 feet along a directly accessible state highway.
2. The property contains 5.49 acres.
3. The applicant doesn't propose and additional screening of the facility from nearby residential properties. But the location and orientation of buildings and existing landscaping and natural vegetation may provide adequate screening.
4. Outside automobile storage and inventory has not been indicated on a site plan.
5. The applicant is not proposing any additional site lighting.
6. No outside paging system is proposed but this can be noted as a condition of approval.
7. It does not appear that there are any establishments that exists within a one-half mile radius of the property lines of the property a facility which sells used automobiles and/or rents automobiles to the general public.
8. There shall be no more than eight (8) cars displayed for sale on the site at any given time. This can be made a condition of approval.

#### **Background**

On 1/28/2015 the Planning and Zoning Commission approved a Special Exception SE2014-8 to convert an existing building (the old Hartford Courant) to a retail business (Auto Parts Store).

On 3/11/2020 the Planning and Zoning Commission approved a text amendment Z2020-3t o Section 61 of the Middletown Zoning Code to allow motor vehicle uses in the Transitional Development zone (TD).

**Issues Remaining to be Addressed**

1. The property fails to comply with Section 44.08.33.1 and 44.08.33.7. The applicant should consider withdrawing the automobile sales use from the proposal or consider applying for a variance of that section.
2. A floor plan layout for the interior use of the space should be provided.
3. The applicant should intently where car sales area will be located and how many cars would be available.
4. The applicant should confirm the number of employees for the business.

**Staff Recommendations**

Upon the applicant sufficiently addressing the issues listed above, staff recommends approval of the special exception subject to the following notes, conditions, and/or modifications:

1. The applicant shall require CGS 14-54 location approval for the automobile service and sale uses from the Zoning Board of Appeals.
2. No automobile sales inventory or displays shall be within 50 ft of a residential zone.
3. There shall be no use of an exterior sound system or paging system on the site.
4. There shall be no more than eight (8) cars displayed for sale on the site at any given time.
5. Prior to the issuance of building permits:
  - a. Site development plans and architectural plans shall be submitted to PCD Staff to verify compliance with this site plan approval and Zoning Code.
  - b. Automobile sales area shall be clearly indicated on a site plan.
  - c. Any outstanding department comments shall be addressed.