

# **Connecticut Planning & Development, LLC.**

## **Planning Report**

### **Proposed M-1 Industrial, R-1 Residential, and R-2 Residential to B-2 Commercial Zone Change Report Town of East Windsor, Connecticut**

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**Prepared & Presented by:**

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## **Findings**

The proposed zone change from M-1 Industrial, R-1 Residential, and R-2 Residential to B-2 Commercial is consistent with the general planning policies of the East Windsor Planning and Zoning Commission as shown in the Plan of Conservation and Development.

If approved, the proposed amendment will:

- Encourage economic development that meets the local market demand.
- Implement the planning policies and goals set forth in the 2004 Plan of Conservation and Development.
- Permit less intense development practices and uses than currently allowed.

Based on current market demands and the development policies set forth in the 2004 Plan of Conservation and Development, the proposed zone change will benefit the town of East Windsor.

This report recommends that the Commission approve the proposed zone change from M-1 Industrial, R-1 Residential, and R-2 Residential to B-2 Commercial.

## **Introduction**

This report is prepared and presented to provide a detailed analysis of the proposed zone change to the Town of East Windsor Zoning Map that will change portions of the M-1 Industrial, R-1 Residential, and R-2 Residential areas south of Bridge Street to a B-2 Commercial zoning district. This report demonstrates that the proposed amendment is consistent with the Town of East Windsor Plan of Conservation and Development and that this amendment will foster economic development.

The report is presented in six sections. Those six sections are as follows:

- I. Analysis of the Proposed Zone Change (M-1, R-1, & R-2 to B-2)
- II. Planning Policies and the Impact of the Proposed Amendment
- III. Planning and Zoning Commission Authority and Considerations
- IV. Changing Markets and Suitable Uses
- V. The Existing Area
- VI. Conclusions and Recommendations

[Reference Note: The proposed zone change includes areas designated as M-1, R-1, and R-2. However, the majority of the area is designated M-1. Therefore, this report will refer to the general area as the M-1 zone.]

## **I. Analysis of the Proposed Zone Change**

The proposed zone change is shown on a map titled “Zone Change Map R-1, R-2 & M-1 to B-2 Zone” prepared by J.R. Russo & Associates, dated December 10, 2007. The area affected by the proposed zone change is south of Bridge Street, west of Interstate 91 and east of the village of Warehouse Point. The most significant outcomes of the proposed zone change will be to foster economic development by adjusting to local market demands for commercial development.

The existing area of the proposed zone change has been zoned mostly M-1 Industrial for many years (the majority of the proposed zone change area is M-1). During this time there has been very little interest in this location for industrial development and use. This is most likely due to the overall weakness of the greater industrial market, the success of the East Windsor Industrial Park that attracts most industrial business, and the surrounding areas that are attracting new industrial development. The East Windsor Industrial Park and Newbury Road have excellent access to I-91, a strong mix of buildings (sizes), good infrastructure, and an adequate amount of vacant land to accommodate industrial growth. The Bridge Street M-1 Industrial area also has good access and better visibility from I-91 making it a much better location for general commercial development.

The existing M-1 zoning district allows for a greater intensity of site development. The maximum allowable building coverage is 35% and the maximum allowable lot coverage (impervious surface) is 75%. The proposed B-2 zone provides for a lesser intensity of site development. The B-2 maximum allowable building coverage is 30% and the maximum allowable lot coverage (impervious surface) is 65%. The most notable differences when comparing the M-1 zone to the proposed B-2 zone is the maximum allowable building height. The M-1 zone allows a total of 4 stories and/or 60 feet building height. The B-2 zone allows only 2.5 stories and 30 feet building height. The last significant differences between the M-1 Industrial zone and the B-2 Commercial zone are the permitted uses. The M-1 Industrial zone permits warehousing, distribution, and light and heavy manufacturing (uses that have negative impacts on surrounding areas). The B-2 Commercial zone allows retail, services, office, and general business uses. (These uses tend to have lesser impacts on surrounding areas).

## **II. Planning Policies and the Impact of the Proposed Zone Change**

When considering a proposed zone change the Planning and Zoning Commission should consider if the amendment is consistent with the policies established in local, regional, and state planning documents. While these planning documents are advisory and not binding on the Commission’s action related to the zone change, they provide guidance and a general plan for the future of the community. The following is an analysis of the proposed amendment and its consistency or inconsistency with existing local, regional, and state planning policies.

**East Windsor Comprehensive Plan of Zoning:** The State of Connecticut defines the Comprehensive Plan of Zoning to be the zoning regulations and zoning map as a collective document that sets forth the community’s future development plan. Said plan provides property owners with a reasonable expectation for the present and future use of land within given districts. While communities evolve and change over time and the Planning and Zoning Commissions must have the ability to accommodate change through amendments to the Comprehensive Plan

of Zoning, such changes should be reasonable in nature and should not drastically change the character of an existing district or neighborhood or be contrary to the reasonable expectations of property owners. The proposed zone change from M-1, R-1, and R-2 to B-2 is a reasonable change to the Comprehensive Plan of Zoning. The B-2, as demonstrated above is a less intense zoning designation than the existing M-1 zone that makes up the majority of the zone change area. In addition, the general character of the area, the access ramps to I-91, and state Route 140 make the change of the small residentially zoned land reasonable. And last, the existing M-1 zoning designation has created a reasonable expectation that commercial (industrial) activities would take place in this area. Therefore, changing the zoning designation to B-2 is consistent with the expectations for potential future uses in this area and the Comprehensive Plan of Zoning.

**East Windsor Plan of Conservation and Development:** The Plan of Conservation and Development is an advisory policy document that allows a community to plan for future growth, development, and conservation and how it will meet the ever changing needs of the community over time. The East Windsor Plan of Conservation and Development was recently adopted in 2004 and provides a vision and plan for the future development of East Windsor. A comprehensive review of the Plan revealed a number of policy statements (including maps designating potential and future land use) that support this proposed zone change. These statements include:

- The area of this proposed zone change is included in what is called the “Northern Business Corridor” on a map titled “Proposed East Windsor Business Corridor Zoning” on page 3-21 of the Plan of Conservation and Development. Page 3-24 of the Plan of Conservation and Development discusses the Northern Business Corridor and the potential future uses for this area. Those uses are commercial in nature, not industrial, and include “retail and service establishments, including regional scale retail.” This proposed “Northern Business Corridor” is then further recommend as part of the “Future Land Use Plan” on page 6-2 of the Plan of Conservation and Development. (Both maps from the Plan of Conservation and Development are included in this report on pages 9 and 10.)
- The Plan of Conservation and Development in a number of places stresses the importance of economic development and need to continue to grow the amount of commercial development. This is most evident in the Business Development section of the Appendix section of the Plan of Conservation and Development.
- The Plan of Conservation and Development also stresses the importance of smart development, developing where existing infrastructure exists. Most notable is the Plan’s recognition that the Route 5 and Route 140 (including Bridge Street) are the key areas for commercial development and that industrial development should be targeted into the East Windsor Industrial Park and Newberry Road area.
- The Plan of Conservation and Development also identifies conservation strategies to preserve and protect open space and agricultural land. Section three, “Conserving Community Resources” identifies those areas that should be preserved and the policies to protect such areas. This provides a balance between the community’s development needs

and conservation needs. This proposed zone change does not impact any of the preservation areas or policies.

The policies and statements discussed above clearly demonstrate that the Planning and Zoning Commission and the community have been clear and consistent in their intent to encourage economic growth for the community and that such commercial development should be targeted along the Route 140 (Bridge Street) corridor. In addition, the Commission and community have identified policies and proposed a development pattern that provides a balance of development and conservation. This proposed zone change is clearly consistent with the Plan of Conservation and Development.

**Regional Plan of (Conservation and) Development:** The Regional Plan of (Conservation and) Development (developed by the Capitol Region Council of Governments), like the local Plan of Conservation and Development, is an advisory document of regional planning policies. The Regional Plan of (Conservation and) Development has a limited scope and does not tend to play a significant role in the land use application process at the municipal level of government. However, recent trends in planning policy emphasize the importance for local planning policies and local developments to consider the regional Plan of (Conservation and) Development. A review of the Regional Plan of (Conservation and) Development revealed that the proposed zone change is consistent with the general planning policies of the Regional Plan of (Conservation and) Development.

**State Plan of Conservation and Development:** The State Plan of Conservation and Development, like the regional and local Plans of Conservation and Development, is an advisory document of statewide planning policies. The State Plan of Conservation and Development also has a limited scope and does not tend to play a significant role in the land use application process at the municipal level of government. However, recent trends in planning policy emphasize the importance for local planning policies to consider the state Plan of Conservation and Development. Associated with the State Plan is the Locational Guide Map that categorizes all land in the state into a series of land use categories. The State uses these land use designations to determine the suitability for funding local public infrastructure projects and other State grants to municipalities. The proposed zone change is located in a land use category designated as “Growth Areas.” These are areas that the State recognizes as locations where commercial development should be encouraged. Therefore, the proposed zone change is consistent with the State Plan of Conservation and Development.

### **III. Planning & Zoning Commission Authority and Considerations**

Each municipality in Connecticut, including East Windsor, received its authority to adopt and implement zoning from the State of Connecticut. That authority is provided in *Section 8-2* of the Connecticut General Statutes. Section 8-2 identifies what a town *shall, may, and shall not* regulate through the adoption and implementation of zoning regulations. Examples of such authority includes protecting the public health, safety, and welfare through the regulation of things such as “the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.”

Section 8-2 also provides a commission with the authority to set standards in the regulations and to consider “conditions necessary to protect the public health, safety, convenience and property values.” Protecting the public health, safety, convenience and property values is the foundation of the zoning regulations. In establishing such regulations the Commission provides both acceptable uses and the related development standards that ensure these protections.

When considering any zoning amendment to the regulations or a zoning designation change to the zoning map, the planning and zoning commissions need to understand the general intent of the zoning regulations. Section 8-2 goes on to state, “such regulations shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.” This is probably the most important statement that a planning and zoning commission needs to consider when hearing a zone change application.

In the context of the proposed amendment that would allow the conversion of existing land designated as M-1 Industrial, R-1 Residential, and R-2 Residential to B-2 Commercial, the East Windsor Planning and Zoning Commission should consider the “suitability” of the “particular uses” permitted in the B-2 zone. The following section discusses the general area and demonstrates that this proposed zone change area is best suited for commercial uses.

#### **IV. Changing Markets and Suitable Uses**

Neighborhoods and towns are not static. They are living and changing environments that evolve over time. How they evolve is dependent on many factors. Some of these factors include market conditions, relative location within the greater market, consumer preferences, and land use regulations. As a town evolves over time, land use regulations, and more specifically, zoning regulations must adjust to the changing times and market demands. Planning is about seeking a vision for the future and trying to predict conditions and demands of the future. Therefore, planning must be fluid, not rigid, and plans and regulations must be able to adjust to changing conditions.

Many years ago the East Windsor Planning and Zoning Commission predicted a need and planned for industrial development in this area south of Bridge Street. In addition, that decision to plan for and encourage industrial development was made even with the existence of residential development in the area. Access to a state highway and the Interstate Highway System most likely played a key role in this decision and the Commission recognized that this general area would transition into an area for commerce. However, the industrial development that was planned for never occurred and most likely will not occur at this location due to the competitive advantage of East Windsor Industrial Park area.

The greater marketplace has also changed in recent decades. While Connecticut and Greater Hartford once had an economy driven by manufacturing and industry, today we see an economy driven more and more by general business and services oriented commerce. The proposed zone change is in an area that is best suited for today’s economy and market demands. Located along a state highway, outside of the Warehouse Point Village, and next to I-91, this location provides great access for both commerce and consumers.

The B-2 Commercial zoning district provides for office, retail, and services use (general commercial uses that meet the needs of the community). These uses require good access and good visibility, both of which are provided at this location. In addition, whenever possible towns should locate such uses on state roads, reducing the burden on local roads.

## **V. Analysis of the Existing Area**

The area surrounding and including the proposed zone change is characterized by a mix of uses. Most of these uses are commercial and institutional in nature with some older residential uses. The majority of the proposed zone change site is in agricultural use at this time, a use that many often forget is a commercial land use. In addition, the Commission should recognize that if things had turned out as planned many years ago, this area would have already developed as an industrial area and would be very different today.

The area just to the east (across I-91) of this location along Route 140 has seen significant new commercial development and investment as a response to recent market demands for such development and uses. In addition, great access to I-91 and East Windsor's location between the Hartford and Springfield markets make this an ideal location for commercial development.

While some people may be concerned about changes in this area, the Commission's 2004 Plan of Conservation and Development recognized these changes were going to occur and has planned for them with the policies to encourage the development of the North Business Corridor. These policies recognized both the need for commercial development and the best locations in the community for such developments. The Plan of Conservation and Development policies target commercial development into areas served by existing infrastructure along Route 5, Route 140, and in the two large villages (Warehouse Point and Broad Brook).

When considering this proposed zone change the Planning and Zoning Commission should also consider and remember the Plan of Conservation and Development policies related to conservation. Some people may be concerned about future development in this area and the potential loss of agricultural land. While this concern is understandable, it is a concern that was analyzed and debated by the Commission and the community as part of the planning process for the Plan of Conservation and Development. The Commission clearly addressed these concerns with the extensive policies and action steps that were included in the Plan of Conservation and Development to protect and conserve open space, including agricultural land, greenways, and passive and active recreation space in other areas of town. This provided balance and allows most accessible land for commerce to be developed as such. Difficult decisions were made about where and how to conserve land while balancing those goals with economic development. The Future Land Use Plan on page 6-2 of the Plan of Conservation and Development demonstrates the balance of conservation and development policies.

## VI. Conclusion and Recommendations

As a result of this extensive review and analysis of the proposed zone change to B-2 Commercial, the related planning documents and policies, and the review of other documents and maps, it is evident that this proposed zone change is consistent with the planning policies established by the East Windsor Planning and Zoning Commission. The 2004 Plan of Conservation and Development clearly identifies the need for further economic development and that the Route 140 Northern Business Corridor is best suited for commercial development.

It is recommended that the East Windsor Planning and Zoning Commission maintain and continue its efforts to encourage economic development in the Northern Business Corridor and approve this proposed zone change.

Respectfully Submitted,



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Planning Consultant

[This Planning Report was prepared by Donald J. Poland, AICP of Connecticut Planning and Development, LLC. The findings and recommendations presented here are based on sound planning principles and the professional expertise of Mr. Poland. The information and opinions provided in this report are specific to the proposed application and should not be interpreted to apply to any other applications, locations, and/or projects.]



[Insert Proposed East Windsor Business Corridor Zoning map from Plan of Conservation and Development]

SAMPLE

[Insert Future Land Use Plan map from Plan of Conservation and Development]

SAMPLE



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**PROFESSIONAL BIOGRAPHY**

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Mr. Poland is a professional planner and urban geographer with thirteen years' experience in land use planning, neighborhood redevelopment, and executive level management. He has worked in public, private, and non-profit sectors as a municipal planning director, planning and development consultant, and as executive director/CEO of a non-profit neighborhood reinvestment corporation. In addition, Mr. Poland has extensive experience in public policy, government relations, advocacy, and lobbying at the state level of government.

As Executive Director/CEO for The Neighborhoods of Hartford, Inc., a 501(c)(3) non-profit corporation, Mr. Poland had the exciting challenge of starting a company and building a successful neighborhood reinvestment organization implementing a "Healthy Neighborhoods" strategy. He is recognized as a leader and expert on neighborhood and housing issues.

Mr. Poland previously held the position of Director of Planning and Development for the Town of East Windsor. As Director, he reorganized the planning, zoning, wetlands, building, and economic development departments into one agency, facilitated the creation of the Town's Plan of Conservation & Development and drafted a comprehensive rewrite of the zoning regulations.

As a dedicated professional and leader, Mr. Poland is President of the CT Chapter of the American Planning Association (CCAPA) and past Chairman of the CCAPA Government Relations Committee. Mr. Poland is a founding member, Secretary, and Executive Director for the Connecticut Partnership for Balanced Growth. He also serves on the Board of Trustees for the CT Trust for Historic Preservation.

Mr. Poland has established himself as a leader in planning and public policy. As Government Relations Chair for CCAPA he assisted the Legislature's Planning and Development Committee with bill screening and drafting legislation. Mr. Poland was appointed by the Senate Majority Leader to the CT General Assembly's Task Force to Develop Transportation Management Plans to Ensure Compliance with the Clean Air Act. Mr. Poland worked on APA's development of a smart growth policy guide and was a member of the National Delegates Assembly that adopted the APA Smart Growth Policy Guide. He also presented a lecture titled "Steering States Towards Smart Growth" at the APA national conference in Denver.

Mr. Poland earned a Bachelor of Arts degree majoring in both Geography and Psychology, from Central Connecticut State University (CCSU) and studied at Bolton University in Bolton, England. He earned a Master of Science degree in Geography, concentrating in Planning, from CCSU and is a certified member of the American Institute of Certified Planners (AICP).

Mr. Poland has taught world regional geography as an adjunct lecturer at Saint Joseph College and teaches an introduction to geography at Manchester Community College. He was awarded the Connecticut Homebuilders 2003 Outstanding Land Use Official Award and was recognized by the Hartford Business Journal as one of Hartford's Forty Under Forty business and community leaders (2004). Mr. Poland is a licensed private pilot and lives in the city of Hartford.