

CITY OF TORRINGTON



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To: Planning & Zoning Commission
From: Martin J. Connor, AICP, City Planner
Date: May 20, 2021
RE: Site Plan #1377 Jawahar Doraiswamy, 17 Funston Ave., change of use from tavern to retail grocery store

Jawahar Doraiswamy, has filed a Site Plan Application to change the use of the existing tavern, Big City Joe's Bar & Grill, at 17 Funston Ave., to a retail grocery store, Jack's Market. The property is owned by Shift 4 Holdings LLC. It is 0.10 acres in size and is located in the R6 Zone. The present tavern use is a pre-existing, non-conforming use. The property also has apartments on the 1st and 2nd floor. The proposed retail grocery store would also be a non-conforming use in this zone but will be a much less intensive use in my opinion. The applicant has requested a waiver from providing a full site plan per Section 8.44 of the Regulations. No changes to the exterior of the building or parking lot are proposed. Section 8.44 allows the Commission to waive any of the items required for a site plan application if the Commission determines that the information is not needed to determine compliance with these regulations. A change of a non-conforming use is allowed per Section 5.12.4 of the Regulations:

5.12.4 Changes in Use of Existing Structure: *If the intended change in use is to another principal use that is also nonconforming, the change is permissible provided:*

- A. the intended change will not require more parking than the existing non-conforming use;*
- B. both the intended use and the existing non-conforming use would be permissible by right in the same zoning district; and*
- C. site plan approval is obtained.*

In reviewing the application & plans and documents submitted, I have the following comments:

1. The retail grocery store use will not require more parking than the present tavern use.
2. Both the current use and proposed use would be permitted uses in the LB Zone.
3. In my opinion a complete site plan is not required to review this change of use. No changes are proposed to the exterior of the building or parking lot.
4. Off street parking is available behind the building.

Other Staff Comments:

Inland Wetlands, Landscaping, Lighting & Signage: Jeremy Leifert, Assistant City Planner, CZ&WEO, reviewed the plans and indicated in an e-mail memo to me dated 5/20/21:

I have reviewed the information submitted for a change of use from former tavern use to a retail grocery store use at 17 Funston Ave. in an R6 zone (a legal pre-existing non-conforming use).

Wetlands – *Upon review of the wetlands mapping on the City GIS system, it appears there are no wetlands or watercourses in the vicinity of this property, and there is no exterior site work or construction proposed for this application. Therefore no inland wetlands permits are required. This constitutes a favorable report from the Torrington Inland Wetlands Commission.*

Landscaping – *No additional landscaping is proposed or recommended as part of this application.*

Lighting – *No additional exterior lighting appears to be proposed or is recommended as part of this application. All provisions of section 5.17 of the regulations shall be followed with respect to new exterior building or property lighting.*

Signage – *No new commercial signage is proposed as part of this application. Any new signage proposed will be subject to the provisions applicable to the R-6 Zone.*

Engineering: Paul Kundzins, Assistant Public Works Director/City Engineer, indicated to me in an email dated 5/19/21, that he has no comments on the proposed change of use.

WPCA: Ray Drew, Public Works Director, WPCA, indicated in an email to me dated 5-13-21:

1. *Applicant shall submit application for Sewer Discharge Permit (Rec'd 5-12-21)*
2. *Additional Information Required*
 - a. *Weekly Days of Operation.*
 - b. *Number of full time and part time employees.*
 - c. *Projected annual water consumption for new use.*
 - d. *Projected number of customers per day.*
 - e. *Square footage to be used*
3. *Capacity Reserve Fee shall be paid prior to commencement of discharge. (Fee will be determined upon receipt of items in #2 Above)*
4. *Owner shall certify that there are no discharges of storm water either directly or indirectly into the sanitary sewer system from the building. Storm water discharges shall comply with City of Torrington Department of Engineering Standards.*
 - a. *Owner/Applicant shall contact WPCA to inspect building for compliance with chapter 170-14 of Torrington Code. Contact James Hilton 860-485-9166 to schedule inspection.*
5. *Occupants shall use Best Management Practices to minimize the amount of fats, oil and greases that are discharged to the public sewer.*
6. *Occupants shall use Best Management Practices to minimize the use of phosphate containing cleaners and detergents.*
7. *Submit copies of any Federal or State permits related to wastewater discharges.*
8. *For additional information or questions contact WPCA (860) 485-9166*

Police Traffic: No comments were received from the Police Traffic Division.

Fire: Fire Marshal Edward Bascetta in an email to me dated 5/14/21stated:

1. *The building should be equipped with a complete and compliant fire protection system compatible with the change of use. The fact it will be vacant during non-business hours makes it a prime candidate for the delayed discovery of a fire inside.*
2. *Torrington makes use of 'lock boxes' to allow quick access by fire fighters in time of an alarm without causing damage. If not already in existence, a lock box should be installed on the exterior of the building near the main door. The fire department will use its secure master key to open the box, and allow the building owner to leave appropriate building access keys inside. This eliminates any delay in entering the building or waiting for a keyholder to arrive in the middle of the night.*
3. *The building and area must comply with all required building and electrical codes, and will be inspected by the Fire Marshal for compliance with the Life Safety Code prior to the issuance of a Certificate of Occupancy, and annually thereafter.*

Conclusion: In believe the Commission can make a finding that the application meets the requirements for a change of a non-conforming use per Section 5.12.4 of the Regulations. I recommend approval of the Site Plan application for the proposed change of use from a non-conforming tavern to a non-conforming retail grocery store with the condition that the applicant address the comments from Ray Drew, Public Works Director, WPCA, contained in his memo to the City Planner dated 5/13/21 and recommend that the applicant follow the advice of Fire Marshal Ed Bascetta contained in his memo to the City Planner dated 5/14/21.