

**PLAN COMMISSION**  
**City of Hartford**  
**March 9, 2020**

PRESENT: Chairperson Timothy C. Michalak, Vice-Chairperson Dennis Regan, Members Ralph Kuepper, Tony Anderek, Scott Henke and Alderperson Liaison Barry Wintringer

ABSENT AND EXCUSED: Member Tom Stapleton

ALSO PRESENT: City Planner Justin Drew

**Call to Order** - Chairperson Michalak called the meeting to order at 5:30 p.m. in the Common Council Chambers of Hartford City Hall, 109 N. Main Street.

**Minutes** - Chairperson Michalak requested review of the minutes of February 10, 2020. Motion by Regan, second by Anderek to approve minutes of February 10. Motion carried.

**Appearances** - Chairperson Michalak invited appearances. There were no appearances.

**Discussion and Consideration of a Site Plan Review, Goeman's Rapid Mart Addition, 2712 East Sumner Street**

**Executive Summary Review:**

The owner proposes a 1,600 square foot addition to the west side of the existing building as well as a new fuel canopy west of the building. The property is zoned B-5 Highway Business District. The proposed building addition would be setback 50 feet from the East Sumner Street Right-of-Way (ROW) and 135 feet from the west property line and meets all setback requirements (40-foot street yard, 10-foot side yard) of the B-5 district. The new canopy would be setback 35 feet from the west property line and 85 feet from the East Sumner Street ROW, and also meets setback requirements. The new gas storage tank area would be setback 20 feet from the west property line and 18 feet from the north property line, and meets setback requirements. The height of the building would be 24.5 feet above grade, which meets the 35-foot maximum height allowed in the B-5 District. The changes would increase lot coverage to 14.3% of the property, below the 30% maximum lot coverage allowed by Code. The addition would be composed of a stone veneer wainscot and vinyl siding to match the adjacent car wash. Numerous windows **would be present on the west façade and the drive through window on the south elevation would be moved west into the addition area.** The brick on the existing building would be painted to complement the addition. The new canopy is proposed in BP's latest design motif. Staff believes the overall design of the additions is appropriate and meets Code requirements. Impervious surface of the lot does not change. Water and electric service will be extended from the existing building to the addition. No additional landscaping is proposed or required. The photometric plan for the new canopy lights meets City requirements. Planning Staff recommended approval.

Plan Commission Discussion, Site Plan, Goeman's Rapid Martt:

Mr. Drew reviewed the executive summary. Chairperson Michalak requested comments. There were no comments. Motion by Henke, second by Kuepper to approve site plan for Goeman's Rapid Mart. Motion carried.

**Discussion and Consideration of a Request to have a Private Driveway Dedicated as a Private Street for The Conservancy**

Executive Summary Review:

In 2019 the City completed approvals for the Conservancy, a two-family and 4-family condominium development located at 1329-1345 South Wilson Avenue. The development consists of three 4-family buildings and eight 2-family buildings with a private driveway on 2.28 acres of land. The Developer, Greg James, has submitted a request to have the driveway dedicated as a Private Street rather than a driveway so that he can give the units Conservancy Court addresses rather than South Wilson Avenue addresses. The Developer claims that the South Wilson Avenue addresses create confusion and delivery issues, especially since the adjacent portion of South Wilson Avenue does not currently connect to segments of South Wilson Avenue to the north. Additional comments and arguments for the Private Street proposal from the Developer are attached. Section 7.24 of the Hartford Municipal Code lists a set of criteria that must be met in order to create a private street. The City has not allowed for the dedication of a private street in more than 20 years (the last two were Hartford Square and Serenity in the late 1990's). However, in the last 20 years numerous condominium and apartment developments have been created with private driveways. These include Willow Glen and Foxhaven condominiums, Gateway Estates apartments, Bridlewood condominiums, as well as Wilson Heights, Oriole Pond and Birch Crossing apartments. Private driveways tend to be narrower, lack curb and gutter, lack sidewalks, and are not signed as streets. Because of this, they are less expensive to build than Private Streets, which in turn are less expensive to build than Public Streets. The Developer can meet the procedural requirements of creating a private street by assigning maintenance responsibilities to the condominium association. The proposed street would be for residential purposes and the City of Hartford Official Map does not show this area as having a publicly dedicated street. No parking would be allowed on the private street, so a 6-foot wide parking lane would not be required. Given that the City has already approved the private driveway location and dimensions, the proposed private street would not be detrimental to the provision of emergency services or create an undue burden on traffic in terms of the width of the road. The development is projected to create approximately 175 average daily vehicle trips, well below the 800 allowed by Code for a private street. No curb and gutter are planned, but alternate drainage methods are provided. As a result, this criterion can be met with a 2/3 "Yes" vote of the Council. The proposed private street **does not** meet the required cartway width of 24 feet (22 feet is proposed). A 22-foot wide cartway is allowed in the case of a one-way street, but this is intended to be for two-way traffic. In addition, no sidewalk is planned for the proposed private street. This requirement can be waived with a 2/3 "Yes" vote of the Council if alternate pedestrian accommodations are provided. No alternate pedestrian accommodations are provided. Finally, Council needs to determine that it is in the best interest of the City to create a private street. Staff strongly believes that it is NOT in the best interests of the City to allow this private driveway to be dedicated as a private street. If approved, this action would set a precedent that would likely result in numerous other existing developments petitioning to have their private driveways reclassified as private streets, resulting in dozens of

new streets and potential confusion for emergency services. Similarly, most new multi-family developments would request private streets instead of driveways.

In addition, this is a case of trying to have the best of both worlds; having the reduced cost of a driveway but the benefits of a street. Finally, the City has a long history of requiring that streets be public and available to the public. Private streets blur the line between something that is intended for a public purpose and something that is intended for a private purpose. The City has only approved two private streets and none in the last twenty years because we don't like them. They create confusion for the City in terms of plowing and maintenance, and extra work for the City in terms of policing who can and cannot be on the private streets. Multiple developments have requested private streets during this time, but the other developers did not pursue the matter when it became clear that Staff would not support it. Given that the proposal does not meet all of the criteria in Section 7.24 of the Hartford Municipal Code for the creation of a Private Street, Staff recommended denial of the request to have a private driveway dedicated as a Private Street for the Conservancy, located at 1329-1345 South Wilson Avenue.

#### 7.24 PRIVATE STREETS.

- 1) Scope. This Section is to provide for private streets, to be owned by an association of owners of the adjoining properties. A "Private" street may be created in a new subdivision or condominium plat, hereinafter collectively referred to as "Development", in accordance with the terms of this Section. The Common Council shall have discretion to accept or reject an application to create a private street.
- 2) Procedure. Application to create a private street in a new development shall be made by including:
  - (a) All necessary information to show compliance with the terms of this Section in the papers filed with the application for approval of the plat of development.
  - (b) Proposed articles of incorporation and proposed bylaws for a non-for-profit corporation to be formed, for all the owners of property adjoining the private street, to maintain the street and to carry out the responsibilities of the association under this Section. The Plan Commission will consider the proposal in conjunction with the planned unit development conditional use, and shall make a recommendation to the Common Council. The Common Council may accept or reject the proposal. If the Common Council accepts the proposal the not-for-profit corporation shall be formed, the owners of all of the property shall sign all documents necessary to create a covenant running with the land agreeing to abide by all of the requirements of the association, including the requirement to pay dues to the association sufficient to provide for present maintenance and future repairs and reconstruction of the private streets.
- 3) Guidelines. In determining whether to approve the private street under the terms of this Section the Common Council will consider the following guidelines:
  - (a) The street must be a residential street.
  - (b) The residents in the neighborhood desire to maintain the residential quality of the neighborhood.
  - (c) The density of development abutting the street must not result in an Average Daily Traffic (ADT) of more than 800.**
  - (d) The private street will not create an undue burden on traffic.** The Street Hierarchy of the City of Hartford shall not permit private streets, other than residential access streets and residential subcollector streets, as defined by Chapter 13 of the Municipal Code.
  - (e) The private street is not detrimental to the provision of emergency services to the adjoining residents or to existing or future residents in proximity to the development.**
  - (f) It is in the best interest of the City, considering planning for the entire City, to create a private street.**
  - (g) The private street does not conflict with mapped streets pursuant to the City of Hartford Official Map.
- 4) Requirements for a Private Street. Any private street created under the terms of the Section shall comply with the following requirements:

**(a) Residential access streets and residential subcollector streets shall be constructed to the standard specifications of the City of Hartford except that the cartway width of a private street may be reduced to 24 feet wide for a two-way street or 22 feet wide for a one-way street.**

(b) Where parking is permitted on one side of a private street side, a 6-foot-wide parking lane shall be constructed in addition to the cartway width requirements above.

**(c) The Common Council may, upon 2/3 vote, waive the requirement for the installation of curb and gutter adjacent to a private street, provided that alternate drainage methods are provided.**

**(d) The Common Council may, upon 2/3rd vote waive the requirement for the installation of sidewalk adjacent to a private street, provided that alternate pedestrian accommodations are provided.**

5) Responsibility of Not-For-Profit Corporation. The nonprofit corporation formed for the owners of adjoining property shall have the responsibility of maintaining the street and any sidewalks or other public ways along the private street. The nonprofit corporation shall require all the property owners of adjoining properties to pay regular dues to cover all costs of maintaining the street. An annual budget shall be prepared by the nonprofit corporation to assist in arriving at dues.

Plan Commission Discussion, Private Street, The Conservancy:

Mr. Drew reviewed the Executive Summary. Chairperson Michalak asked why these rules are still on the books if we never want to allow private streets again? Mr. Drew explained that there could be situations where a private street is in the best interests of the City. Chairperson Michalak asked if the City would be amenable if the driveway was re-engineered to 24' or would a walking path still be required. Mr. Drew noted that both items were required. Mr. Drew also noted that the code changes were made in part in response to the City's experience with the first Hartford Square development. Member Kuepper asked if any sidewalk was proposed along Wilson Avenue. Mr. Drew affirmed, a walking path is planned. Member Henke asked if the driveway was re-engineered to make it a one-way private street would that be acceptable. Mr. Drew noted that a walkway would still be required. Chairperson Michalak noted that the Common Council could grant a variance; Mr. Drew replied that the code language states 'provided alternate pedestrian accommodations are provide. Member Henke noted that a private street is private property and the police department would have no jurisdiction to enforce someone driving the wrong way on the one-way private street. Chairperson Michalak asked if anyone had questions for developer Greg James, who then took the podium to discuss options he had formulated, including sidewalks between the 4-family buildings and benches along Wilson Avenue. Mr. James also noted the careful process of informing buyers of requirements for parking and driving in his condo developments. Chairperson Michalak directed a question to Mr. Drew - could public be confused if a private sidewalk leads to a public sidewalk, and inadvertently trespass on Conservancy property? Mr. Drew affirmed. Mr. James noted that the homeowners association would need to decide if measures needed to be taken to discourage trespassing. Mr. James noted continuing issues with individuals and contractors finding the property due to Wilson Avenue dead-ending at the end of Summer Wind Subdivision, and Lee Road becoming Wilson on the other side of the development. Both issues are resulting in problems with finding the site, since the development is not yet 'on' GPS. Mr. James has sold 11 units already and owners are being carefully informed of their responsibilities and restrictions as part of the condominium, which includes not being allowed to park in their driveways. Mr. James asked the Plan Commission to consider the proposed changes and pass on a positive recommendation so the Council considers it. Member Henke asked when the Council meeting was scheduled. Mr. Drew noted that Council meets Tuesday, March 10. Chairperson Michalak reviewed the proposed changes and commented on Mr. James's willingness to be flexible, then asked if anyone wanted to move this forward, since he had already asked for a motion three

times. Member Henke noted that this proposal moves forward with or without a Plan Commission recommendation. Mr. Drew explained that the Plan Commission had three options: approve, deny or take no action. Member Henke asked if there is actually nothing in front of the Plan Commission since the 24' width is not on the table. Mr. Drew noted that while it is not in front of the Plan Commission, members can take that into consideration. Member Kuepper asked if a street name change would make a difference. Member Henke asked if GPS would route individuals to the location. Mr. Drew noted that GPS would eventually (within a few months) begin routing people correctly with or without a name change. Member Henke asked Mr. Drew if he was comfortable with a 24' width along with a pathway as discussed. Mr. Drew stated that his recommendation would not change; his concern is precedent. Mr. Drew believes this is a slippery slope toward gated communities. No further action was taken.

Meeting adjourned by call of Chair at 5:56 p.m.

Respectfully submitted,  
Justin Drew, City Planner

Compiled by Char Smelter, Planning Secretary