

HURWITZ SAGARIN  
SLOSSBERG & KNUFF LLC

September 2, 2020

Re: Proposed Amendments to Darien Zoning Regulations (COZR #4-2020), Business Site Plan Application #128-B, Special Permit Application #314  
7-Eleven, Inc., 306 Boston Post Road, Darien


To Whom It May Concern:

As a property owner within 100 feet of the above property, please be advised that the Property Owner and Applicant have submitted to the Darien Planning and Zoning Commission applications to amend certain provisions of the Darien Zoning Regulations with respect to motor vehicle service uses and for Special Permit and Site Plan approval in connection with development of 306 Boston Post Road as a 7-Eleven gas station and convenience store.

The Commission will hold a public hearing on Tuesday, September 22, 2020 at 8:00 P.M. in the Darien Town Hall and via GoToMeeting. A login number for GoToMeeting will be provided a few days prior to the meeting via the Town of Darien website. A copy of the Legal Notice for this public hearing is enclosed, along with a narrative of the proposed development. Further relevant application materials are posted on the Town of Darien's website.

If you have any questions, please feel free to call me, attorney for the Applicant, at (203) 877-8000, or the Planning and Zoning Office at (203) 656-7351.

Very truly yours,

  
AMY E. SOUCHUNS  
Attorney for the Applicant

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SEP - 8 2020

TOWN OF DARIEN  
PLANNING & ZONING



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## LEGAL NOTICE

The Darien Planning and Zoning Commission will hold a PUBLIC HEARING on Tuesday, September 22, 2020 at 8:00 P.M. in Room 206 of Darien Town Hall at 2 Renshaw Road, Darien and via GoToMeeting, on the following:

**Proposed Amendments to Darien Zoning Regulations (COZR #4-2020), Business Site Plan Application #128-B, Special Permit Application #314, 7-Eleven, Inc., 306 Boston Post Road.** Proposal to amend Sections 210, 755, 904, and 1056 of the Darien Zoning Regulations relative to Motor Vehicle Service Stations, including gas stations. The intent of the proposed Regulation amendments are to distinguish gas stations from repair shops and to modernize standards to reflect customary, accessory convenience store and food related offerings. The full text of the proposed amendment is on file and available in the Town Clerk's office and the Planning and Zoning Office for inspection, and online at [www.darienct.gov/pzcpendingapplications](http://www.darienct.gov/pzcpendingapplications). Proposal to raze the existing Duchess Restaurant on the site and to redevelop the site as a 7-Eleven gas station with associated convenience retail and an accessory quick-service restaurant in a new 4,050+/- square foot building; and to perform related site development activities. Twelve self-service fueling positions, with an overhead canopy, would occupy the site. The 1.04+/- acre subject property is located on the south/east side of Boston Post Road, approximately 125 feet north/east of its intersection with Birch Road, and is shown on Assessor's Map #32 as Lot #9 in the Service Business (SB) Zone.

(S) James H. Rand  
Secretary  
9/9 & 9/16

**Application Narrative  
Regulation Amendment, Special Permit & Site Plan**

**7-Eleven, Inc.  
306 Boston Post Road  
August 12, 2020**

Applicant 7-Eleven, Inc. (“7-Eleven”)<sup>1</sup> hereby submits to the Darien Planning and Zoning Commission (the “Commission”) applications to amend certain provisions of the Darien Zoning Regulations (the “Regulations”) and for Special Permit and Site Plan approval in connection with its proposed development of the property at 306 Boston Post Road (the “Property”). The proposal seeks to update the Regulations with respect to motor vehicle services uses and to authorize the construction of a 7-Eleven gas station and convenience store with accessory retail and food uses on the Property. Based upon the proposed amendments and the existing Regulations, 7-Eleven seeks special permit approval for the principal use of “automotive service” pursuant to § 753, with accessory special permit uses of (i) sale of non-automobile related goods and (ii) quick service restaurant pursuant to § 1056.2.d & e.

**Background:**

The Property is approximately 1.04 acres and is zoned Service Business (SB). The Property is located on Boston Post Road, directly abutting the Interstate 95 Exit 13 southbound entrance ramp. A Duchess restaurant is located on the Property, but will be closed and demolished as part of this proposal.

A small area of inland wetlands is located off-site along the highway entrance ramp; it will not be affected by the development plan. *The Environmental Protection Commission approved 7-Eleven’s plan at its August 12, 2020 meeting.*

**Proposed Amendments to the Regulations:**

The provisions of the Regulations reflect an older view of motor vehicle services uses, harkening back to a single entity providing gas, repair, and body work for many types of vehicles. The last substantive revision to Section 1056 was undertaken over 30 years ago. As the Commission is well-aware, gas stations have evolved since that time, in particular with respect to “convenience store” offerings and in the absence of any new gas stations in Darien in more than 25 years, the Regulations have not been updated to reflect this changed use.

Thus, the proposed amendments accomplish two goals: (1) distinguishing gas stations from repair shops and (2) modernizing the standards to reflect a 21<sup>st</sup> century use. The amendments address several key issues:

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<sup>1</sup> 7-Eleven will be the ground lessee of the Property; the property ownership will remain unchanged.

- allows gas station to be self-service and eliminates the mandatory garage and storage area if the facility will only operate as a gas station;
- reflects parking requirement for the building uses, rather than car repair and storage; and
- allows accessory uses of retail and quick service restaurant by special permit.

With these revisions, the regulations will reflect the dichotomy between convenience-oriented gas stations with accessory retail and traditional auto body or repair facilities with a more industrial component.

These amendments are consistent with the town's comprehensive plan as well as its Plan of Conservation and Development, which encourage economic development and the provision of goods and services. Promote Business/Economic Development Policy 1, p. 108. Use of the Property in this manner is also consistent with the POCD's land use map, as the site is and will remain business, an important consideration in light of the small amount of land utilized for commercial purposes. The Property's zoning – SB – is fulfilled with the operation of this type of service-oriented use.

#### **Development Proposal:**

7-Eleven's development plan embodies a modern gas station with convenience retail and accessory restaurant in a location highly suitable for this type of use. Six pump islands, each with fueling positions on both sides of the island (for a total of 12 fueling positions), will dispense gas and diesel options in a self-serve format. The facility will feature a building of approximately 4,000 square feet that includes typical convenience retail offerings as well as a quick service restaurant with a modest seating area operating 24 hours a day. Propane exchange and seasonal outdoor sales such as ice or firewood will occur in accordance with the Regulations. Existing landscaping will be maintained to the extent possible, with additional landscaping in the required landscape buffer along Boston Post Road. Dumpsters are located behind the building and appropriately screened from public view.

Included in the submission package are the architectural elevations for the building. Recognizing the environment in which the store will be located, the building design adopts traditional New England architecture rather than a modern design found in other parts of the country. The building exterior finish includes brick and siding, with dormered windows on an asphalt roof. While some windows have visibility into the store, others feature decorative lattice finish to add to the building's visual interest. As detailed below, signage is modest and consistent with the building style.

Parking is provided in accordance with the proposed amendment to the Regulations. Darien has not traditionally counted parking spaces at the pump in determining zoning compliance. Moreover, customers often stop only for gas and do not enter the store; they also should not leave the pump while fueling. Given these two factors, the proposal reflects parking based upon use and floor area of the building, rather than the number of fuel dispensers. As depicted in the zoning chart, the building of 4,050 square feet includes 461 square feet of quick service restaurant and 3,589 square feet of retail space, resulting in a parking requirement of 22 spaces. The proposal depicts 25 spaces.

Included in the supporting materials is a traffic study prepared by McMahon Associates reflecting the traffic generated by the new facility ("Traffic Study"). As the Commission is aware, a gas station is the most common "pass-by" use – a type of use that does not itself generate traffic but is a stop along a route a customer is already travelling. The Traffic Study reflects a functional site, with occasional turn movements that already operate at a less than desirable capacity. The site plan includes an entrance/exit layout designed to mitigate any issues associated with traffic movements. Finally, because Route 1 is a state road, the state Department of Transportation will review and approve the intended development.

**Signage:**

7-Eleven's proposal includes modest building signage consistent with the surrounding area. A wall sign of 22.5 square feet featuring the 7-Eleven logo will face Boston Post Road. A pole sign that includes signage for 7-Eleven, the food operator "Raise the Roost," and the fuel price sign as required by Connecticut law will be located on the proposed pole sign along the Property frontage. Due to existing landscaping, street visibility and the quick decision-making associated with this type of convenience use, 7-Eleven has simultaneously filed for a variance regarding the location and size of the pole sign permitted pursuant to § 935.d.3.a & b. to allow a sign of \_\_ [48] square feet and placement of the sign between the gas service island and Boston Post Road.

**Compliance with Special Permit and Site Plan Criteria:**

The overall development plan satisfies the criteria established by Regulations §1005 & 1025 for special permits and site plans. With respect to the location, size and nature of the use, the Property is well-situated for a gas station with accessory retail and food uses. It is an appropriately sized building on a highly traveled state road in close proximity to Interstate 95 that has adequate width and capacity for this type of use. Its use as a gas station will not impair traffic congestion or street safety. Notably, the facility achieves the intent and purpose of the SB Zone: "to provide, in appropriate areas, for certain types of business uses which serve a community need or convenience." Lighting and signage are consistent with the surrounding area and will not cause any adverse effects on those existing uses or their property values. Due consideration has been given to the natural environment with respect to the design of the site and building. Existing landscaping will be maintained to the extent possible and site disturbance will not expand beyond the currently developed area, with proper erosion and sedimentation controls in place during construction. The EPC approval further demonstrates the consideration given to environmental concerns.

State of Connecticut  
c/o Dept. of Transportation  
PO Box 317546  
Newington, CT 06131

BDQ LLC  
42-08 Bell Boulevard  
Bayside, NY 11361

Gruss/Lesser Properties LL  
c/o Sidra Gruss  
6557 Las Flores Drive  
Boca Raton, FL 33433

Masonic Club of Darien Inc  
c/o 320 BPR Holdings  
320 Boston Post Rd Suite 110  
Darien, CT 06820

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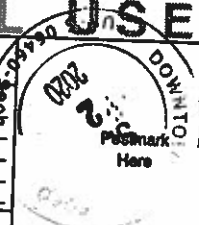
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Street: **c/o Sidra Gruss**

City: **6557 Las Flores Drive**

City: **Boca Raton, FL 33433**

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c/o 320 BPR Holdings  
320 Boston Post Rd Suite 110  
Darien, CT 06820

HURWITZ SAGARIN  
SLOSSBERG & KNUFF LLC



Amy E. Souchuns, Esq.  
[ASouchuns@hssklaw.com](mailto:ASouchuns@hssklaw.com)

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September 4, 2020

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TOWN OF DARIEN  
PLANNING & ZONING

Tamara Eberhardt  
Office Administrator  
Planning & Zoning Department  
Town of Darien  
2 Renshaw Road  
Darien, Connecticut 06820

Re; Proposed Amendment to Darien Zoning Regulations (COZR #4-2020),  
Business Site Plan Application #128-B, Special Permit Application #314  
7-Eleven, Inc., 306 Boston Post Road

Dear Tamara:

In regard to the above, enclosed please find the following:

- Copy of letter sent to property owners within 100 feet of 306 Boston Post Road, Darien, which included a copy of the Legal Notice and a copy of the Application Narrative;
- A list of those property owners (including the State of Connecticut, Department of Transportation); and
- Copies of Certified Mail Receipts and copies of each individual envelope mailed first class mail to the property owners.

Very truly yours,

Amy E. Souchuns  
dsw/enc.

cc: Fred W. Doneit, AICP, GISP