

# COZR #4-2020 7-Eleven, Inc

Birch Road Neighbors and 320 BPR Holdings, LLC

Opposition Presentation 11-24-20

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# Applicant seeks:

- PZC approval of Special Permits for gas service station use, 4000 sf. retail store, and Quick Serve Restaurant with only 100 sf of customer tables or seating (when 1200 sf is required) at a 1-acre site at Exit 13;
- PZC approval of numerous amendments of the Regulations to allow multiple uses on this site near residential areas, reduce parking, etc.;
- PZC to disregard the unfavorable report of ARB.
- ZBA approval of a variances for 48 sf pole sign (when only 30 sf is allowed) and a location variance of the sign Regulations adopted in 2018 (Section 935 et. sec.) as well as ZBA approval of the location of the proposed gas service station (Section 1124) .

# Deny PZC application

- Inconsistent with Town POCD
- Not consistent with intent of SB Regulations (Section 750 et. seq.)
- Seeks substantial modifications to SB Regulations adopted 8/11/19
- Proposes 3 principal uses on the Site when only 1 is allowed:
  - Gas service station (allowed by Special Permit once location approved by ZBA per Section 1124)
  - Retail store 4,000 sf. (Not allowed at this site per Section 757.g.)
  - Quick Service Restaurant with 100 sf of customer table or seating (Section 753.d. requires 1,200 sf.) and must be a Principal Use, not Accessory (Section 753.d)

EXHIBIT B

# DARIEN

2016 Plan of Conservation and Development

Planning and Zoning Commission

## Section 4: Maintain and Enhance Residential Character POCD page 36

### **Maintain And Enhance Overall Character**

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Darien has a number of areas and resources that contribute to the character of the Town and enhance the overall quality of life. Darien will continue to undertake programs and projects which enhance community character and seek to prevent things that negatively affect character.

The "vision statement" from the Board of Selectmen indicates that "Darien continues to be primarily a New England style, single family dwelling community." This sentiment was echoed by others in the community as well. As interpreted and applied in the past, this does NOT mean an *exclusively* single-family dwelling character. However, it does mean that building design and scale which are harmonious with this vision statement will be more consistent with community objectives.

Residential Character



Residential Character



## Continue To Promote Architectural Character

Architectural design influences the character of a community. Buildings consistent with local architectural styles enhance community character. Buildings that do not reflect the established scale and style of local architecture negatively affect community character.

Darien recognizes this and has had an Architectural Review Board for some time. The Board reviews commercial developments and provides comments to the applicant and to the Commission. To aid in their work, they prepared "Commercial Design Guidelines" in 2009 to help applicants in the formative stages of project design.

Darien will maintain a design review process (for other than single-family residential development) to ensure that buildings and sites contribute to overall community character.

Continue To Promote Architectural Character		
Policies	Leader	Partners
1. Continue to promote architectural character and community design as part of new development.	ARB	PZC
2. Encourage developments that contribute to, and enhance, a "sense of place" in Darien.	Town	
3. Maintain the Architectural Review Board to help enhance community character.	RTM	
4. Encourage a diversity in "sense of place" in order to promote the character of each area and the overall community.	ARB	
5. Promote the preservation and adaptive re-use of an existing building, when possible.	PZC	HS
Action Steps		
6. Consider extending design review to multi-family residential development, mixed uses, and institutional uses.	ARB	PZC
7. Review and update the Design Guidelines on a regular basis to ensure they properly reflect current design standards for Darien.	ARB	PZC

## Maintain Residential Character

Maintaining the residential character of the community is a key element of the Plan. A corollary to this is maintaining the character of residential neighborhoods by continuing to seek a balance between people's desires to improve / expand their homes and the impacts on their neighbors and the community.

Darien's zoning approach will continue to recognize the prevailing development pattern of:

- predominantly single-family development;
- a range of housing types to meet a broad array of housing needs;
- higher densities in and near downtown Darien and around the train station in the Noroton Heights business district,
- moderate densities in areas with bus service, and
- a reduction in density as distance from these centers increase.

Maintain Residential Character		
Policies	Leader	Partners
1. Continue to maintain the character of Darien as a residential community which is primarily comprised of lower-density single-family neighborhoods.	Town	PZC
2. Maintain the basic organizational pattern of higher densities in and near downtown Darien and the Noroton Heights business district and a reduction in density as distance from these centers increase.	PZC	
3. Within this overall framework, seek to provide for a range of housing types and densities to meet a broad array of housing needs.	PZC	HA
4. Continue careful monitoring of land uses in and near residential areas to minimize impact on surrounding residential neighborhoods.	PZC	

## Promote Business / Economic Development

Business and economic development provide a number of advantages to the community and Darien should continue to promote and encourage appropriate business and economic development.

Darien has an excellent regional location, a number of areas zoned for business development, and benefits from having some key locational advantages within the town:

- two train stations (Darien and Norton Heights),
- Interstate 95 with 4 full or partial interchanges,
- Boston Post Road (US Route 1), and
- bus transit services.

The range of principal and accessory uses allowed in the business districts seems reasonable and appropriate. The uses which are only allowed by Special Use Permit could have impacts on other uses and so the level of review which occurs as part of the Special Use process is necessary and reasonable.

As noted in the 2006 POCD:

*The amount of commercial property in Darien is quite limited, and as ... there is a desire for the community to have a mix of zones, and not be entirely residentially zoned. While [Darien] is and should remain primarily a residential community ..., the quality of residential life in such a community is enhanced by well-planned commercial and other "support" uses within the Town.*

This philosophy remains relevant and is continued in this POCD.

Promote Business / Economic Development		
Policies	Leader	Partner:
1. Continue to encourage business and economic development to provide jobs, provide goods and services, and enhance the tax base.	Town	
2. Continue to work with the Chamber of Commerce and other organizations to promote economic growth of Darien.	Town	
3. Continue to encourage vibrant commercial areas.	Town	PZC
4. Carefully review any proposal to rezone existing commercial properties for other uses.	PZC	



Manage Business Development		
Policies	Leader	Partners
1. Keep future commercial development consistent with the existing small-town New England character of Darien.	PZC	ARB
2. Continue to enhance the design of buildings and sites through the design review process.	ARB	PZC
3. Encourage adaptive reuse of existing buildings and sites.	PZC	
4. Enhance the function of the roadway through access management in business areas.	PZC	TA
5. Encourage coordination between property owners/developers to minimize curb cuts and encourage cohesive development in all commercial zones.	PZC	TA
6. Seek to limit business impacts and intrusion on adjacent residential properties and streets.	PZC	
7. Encourage pedestrian access, continue to require sidewalks and pedestrian amenities (such as benches) in all commercial areas and in front of all commercial properties.	PZC	
Action Steps		
8. Review the various business zoning districts and their locations to determine if they are accomplishing what the community desires in an efficient way (such as the requirement that commercial sales and service in the Service Business zone <u>require</u> "external storage or activity").	PZC	
9. Establish an access management section in the zoning regulations applicable to development in all areas.	PZC	
10. Review the parking requirements in the zoning regulations.	PZC	
11. Review the parking stall size requirement in the zoning regulations.	PZC	
12. Undertake a comprehensive review and revision of the signage regulations.	PZC	

Done 2019

Done 2019

SECTION 750. SERVICE BUSINESS ZONE (SB)

*[Added/Amended 8/11/2019]*

751. Background and Purposes

This zone is intended to provide, in appropriate areas, for certain types of business uses which serve a community need or convenience. It is the intention of these Regulations to protect and preserve existing SB districts for the continued provision of such services in a manner which will not be detrimental to the surrounding residential areas. The retention and/or creation of dwelling units is permitted in an effort to encourage affordable residential units. Specific design standards incorporated into this zone are established due to the unique location of this district and the types of uses permitted. This zone may allow Commercial Sales and Service uses via Special Permit, if certain requirements and standards are met. Development and redevelopment on lots less than 10,000 square feet in area, that existed on January 1, 2010, are allowed in accordance with special controls and design standards.

*[Amended 7/22/2007; 7/24/2011; 8/11/2019]*

752. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Commercial sales and services which includes external storage or activity.
- b. Public and semi-public buildings and/or uses.
- c. Dwelling units located on the second floor of buildings not utilized for automotive services.

*[Amended 8/11/2019]*

753. Principal Uses Requiring Special Permits

The following uses may be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Commercial sales and services meeting the requirements outlined in Section 757(g).
- b. Protected Town Landmarks.
- c. Full-Service Restaurants provided that at least 1,200 square feet of indoor space shall be devoted to customer tables and seating area.
- d. Quick-Service Restaurants provided that at least 1,200 square feet of indoor space shall be devoted to customer tables and seating area.
- e. Veterinary hospitals, clinics and indoor kennels.
- f. Hotels, motels and inns.
- g. Automotive services as defined in Section 210.
- h. Indoor recreation facilities.

# Section 210 Definitions

- Use, Accessory: A use which customarily incidental and subordinate to the principal use of a lot or a building on the same lot therewith.
- Use, Principal: The primary or principal use of any lot or building.

# Section 210: Definitions

- Commercial Sales and Service: A business or use where products or services are sold or dispensed at retail, wholesale or any other medium or mechanism of trade. This also includes Financial Service uses. Other uses defined in this Section 210 shall not be considered part of this definition. (Amended 8-11-19)

757. Special Controls

- a. Landscaping, screening and buffer areas shall be provided in accordance with Section 940. Front landscape area shall incorporate street trees. Buffer area shall be provided along residential property lines and/or zone lines in accordance with Section 940. Landscape buffer shall be maintained and enhanced along I-95.
- b. All uses shall be subject to Site Plan Approval in accordance with Section 1020. The following additional requirements shall apply in order to demonstrate architectural compatibility with adjacent areas:
  1. Elevation drawings for each side of the building.
  2. A color rendering of the proposed structure(s) drawn from a perspective representing a view from street level and illustrating at least two facades of the building.
  3. Presentation of an architectural style which shall be compatible with any adjoining residential area by incorporation of design features such as a pitched roof, appropriate exterior materials, fenestration, and site lighting.
  4. These materials shall be reviewed by the Architectural Review Board (ARB), together with any other information the Board may require. The Planning & Zoning Commission will not take any action on an application prior to receiving the ARB's report.
- c. Fences shall be required along the inside of screening and buffer areas adjoining residential uses to protect such areas. Exterior loudspeakers are prohibited on parcels adjoining a residential zone.
- d. Automotive Services shall be subject to the provisions of Subsection 1056.

## Section 757 g.

- g. Commercial sales and services uses may be allowed pursuant to the standards for approval for a Special Permit in accordance with Section 1000 and the following requirements of the Service Business zone:
1. The property is served by public water and sewer;
  2. The property is at least three acres in size;
  3. The property is within 1000 feet of the Central Business District (CBD).

*[Amended 7/22/2007]*

Section 755 (SB Zone Accessory uses)

*d. Quick Service Restaurants provided that at least (1) 1,200 square feet of indoor space shall be devoted to customer tables and seating area or (ii) 100 square feet of indoor space shall be devoted to customer seating when located in a **retail store** co-located with a gas station.*” (Emphasis supplied. Proposed change is underlined)

Section 904w (Parking)

*“When stations are operated as gas stations co-located with a **retail store** and/or quick service restaurant, parking shall be provided in accordance with the requirements of the **retail** and/or restaurant uses.* (Emphasis supplied. All of 904w is proposed by the applicant)



## **PZC should deny the applications:**

- a. Proposed Regulation changes are not consistent with the POCD
- b. Proposed Regulation changes are contrary to the intent of the SB zone regulations and would allow uses detrimental to abutting residential areas (Section 751);
- c. Proposed uses and site plan/signage are designed to serve travelers on I-95, not the local community (Section 751);
- d. Retail/Commercial sales and service use is not allowed at this Site (Section 757.g.
- e. No reason to allow Quick Service Restaurant as an accessory use in the SB zone (POCD pages 98, 108, 112, etc. and Section 751)
- f. Gas service station use needs ZBA approval per Section 1124 and does not meet requirements for Special Permit approval (Section 1005 et. seq.) as this use cannot be separated from the other proposed uses.
- g. Concerns about traffic, noise, lighting, crime, impact on the neighborhood, hours of operation, etc. have not been addressed adequately.