



Keith Chapman
Town Manager

TOWN OF NEWINGTON

200 Garfield Street Newington, Connecticut 06111

Town Planner

Renata Bertotti, AICP
Town Planner

Memorandum

To: TPZ Commission
From: Erik S. Hinckley, Asst. Town Planner
Date: March 4, 2022
Re: 12-14 Fenn Road – Site Plan Modification, Petition 16-22

Project Description:

The applicant is applying for a site plan modification, under petition 16-22, for a change of use to a dining cluster within the TOD (Transit-Oriented Development) Overlay District. The applicant is also asking to reduce the onsite parking requirement through incentives under section 3.19A.4.A.2.

The subject site is zoned PD (Planned Development) and falls within the TOD district. The previously approved site showed a multi-tenant commercial building with one tenant being a drive-thru restaurant. Currently the applicant has at least 4 proposed restaurant tenants for the building. The 1 drive-thru will remain and no additional drive-thru operations are proposed. This building is currently under construction.

The 2.22-acre parcel currently has a Starbucks on the northerly end of the property. The approved site plan is that of a single site with 50 new parking spaces with a connection to the Starbucks portion of the property. The site will be accessed from either Cedar Street or Myra Cohen Way by a private drive through the existing site.

Based on the calculations (provided by the applicant) they would require 78 parking spaces per the zoning regulations for the proposed 4 restaurants. They currently have 50 approved. They have provided a plan that demonstrates areas that could be used as deferred parking for this site. This would increase the parking count to 70 spaces. The 6 proposed deferred parking on the east side of the building would appear to potentially conflict with drive-thru operations and that proposed location is not supported by staff.

Staff does agree with the change of use to a dining cluster with reduced parking requirements as that is one of the purposes described in section 3.19A.2.C.2. The proposed restaurants are take-out in nature and will require limited indoor seating which should reduce the need for additional onsite parking within the TOD. This type of use within the TOD is one that is encouraged by the regulations and staff recommends approval.

Commission:

In reviewing this application, the commission can act under section 5.3.9 (attached) for the change of use. I have also included regulations pertaining to dining clusters and incentives for your review as well.

5.3.9 Change in Use and Site Design

A. A change in use of land or in the use of a structure or building will require site plan approval if any one of the following occurs:

1. Increases the amount of parking;
2. Changes the loading or access;
3. Increases the building's gross floor area by more than 10 percent;
4. Alters the site's parking lot green space, landscaping, or increases the amount of buffering required in Section 6.10.

B. Minor changes not requiring additional parking, loading, access or structural addition of less than 10 per cent to the rear or side areas of buildings will not require site plan approval.

C. For the purposes of this section examples of a change of use would include but are not limited to the conversion or addition of floor space from industrial/warehouse use to retail floor space or office floor space. the conversion of retail floor space to recreation use or public assembly use, such as a school or sports complex, church, etc. (Effective 12/01/2001)

D. Changes only to the architecture of the building will not require the submission of a new site plan to the Commission. (Effective 12/01/2001)

3.19.A.3. Definitions:

A. "Mixed-use development" shall mean development on a single parcel (or adjacent parcels with shared parking) that contains at least one of each of two or more of the following types of uses:

1. Retail (including dining and entertainment)
2. Office
3. Industrial (including research and light manufacturing)
4. Residential

B. "Dining and entertainment cluster" shall mean development on a single parcel (or adjacent parcels with shared parking) that contains two or more restaurants, bars, theaters, or entertainment venues.

3.19.A.4. Incentives:

A. Development proposals that contain any of the "specific objectives and uses" described in Paragraph 2.c may be eligible for the following incentives:

1. Less mandatory landscaping (i.e. more useable floor area).
2. Less mandatory on-site parking.
3. Reduced front, side, and rear yard setbacks.

B. Minimum Lot Area and Yard Requirements shall be the same as set forth in Section 4.5 for the B-BT Zone. (Effective 1/27/2021)

C. Eligibility for the above incentives will be based on the following:

1. The need for the proposed activity, as determined by the TPZ.
2. The public benefit of the proposed activity, as determined by the TPZ.
3. Public amenities included in the proposed activity.
4. The extent to which the proposed activity enhances vehicular and pedestrian circulation in the TOD Overlay District.
5. Architectural and/or functional compatibility of the proposed activity with nearby buildings and activities.