



**Shipman, Shaiken & Schwefel, LLC**  
ATTORNEYS AT LAW

**NARRATIVE IN SUPPORT OF SITE PLAN AND CHANGE IN USE**

Fenn Road Associates, LLC (“Fenn”) applies for a Modification of its Site Plan Approval to accommodate a change in the contemplated uses that will be located at 12 Fenn Road. Fenn received a Special Permit and Site Plan approval for a retail building containing a restaurant with a drive through and 4 retail units on February 2, 2021. Fenn would like to change the uses in the 4 retail units to restaurant uses. The premises are in the TOD Zone. The Comprehensive Plan of Development (the “Plan”) identifies the Cedar/Fenn area as a gateway site. At various places, the Plan encourages transit oriented uses at appropriate locations around transit stations.

This Commission has followed the guide of the Plan and has created a Transit Oriented District proximal to the Busway Station just east of Fenn Road. The TOD Zone encourages transit oriented development and provides incentives for uses that are consistent with that goal. Section 3.19.A.2 .A describes the purpose of the zone to promote development within walking distance of the CTFAstrack on Myra Cohen Way. Fenn has developed other properties in Newington and has a reputation for high quality construction and uses.

Among the uses the Regulation encourages is dining and entertainment clusters (3.19.A.2.C.2) which are described as a development containing 2 or more restaurants. The Property on the south side of Myra Cohen Way already has an approved Hotel Site a Starbucks and the approved retail development. The dining cluster that Fenn now proposes is more in keeping with the desired uses for the TOD Zone. It will provide food opportunities within walking distance of the Transit Station and the Hotel which does not plan on any dining within. It is also going to be within walking distance of the proposed apartment complex on the National Welding site; and is within walking and biking distance from Central Connecticut State University.

To facilitate and encourage specific uses/objectives, the Regulation provides a number of incentives. Among the incentives is less mandatory on-site parking requirement (3.19.A.4.A.2). In setting forth the eligibility for the incentives, the Regulation provides that an applicant for the incentives must establish (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; and (4) the extent to which the proposed activity enhances vehicular and pedestrian circulation in the TOD Overlay District.

This Applicant seeks to avail itself of the reduced parking incentive. The original Site Plan called for required parking of 38 spaces. 50 spaces were provided. The Applicant believes that those 50 spaces are more than adequate to support the change in use. The Regulation provides that restaurants require 20 spaces per each 1,000 square feet of public space. That is neither possible nor practical for the proposed change in use. The attached Exhibit shows the revised layout of the individual restaurant spaces. The average public space in a restaurant is 45% of the total floor area. 45% of 8817 square feet, equals 3,968 square feet. That would require, approximately 78 spaces. However, your Regulation makes no distinction as to the type of restaurant. Many municipalities base parking requirements on the amount of seating, rather than the size of the restaurant.

The nature of a restaurant with less than 1,000 square feet of public space is quite different from a dining facility which seats 75 to 100 people for sit down meals. The restaurants which are interested in the spaces in this property are more likely to be takeout. The few that may wish to eat in, will be limited by the lack of table space. Add to that, the fact that this dining cluster is designed to attract a large walk-up percentage of its customers from within walking distance and users of the busway. That is the basis for the location in the TOD Zone. Between the Hotel patrons, the Bus Station patrons and CCSU, a significant percentage of the customers will walk or bike to the restaurants. Even were they to sit down at the few tables, they would not require parking.

Fenn believes that the current 50 spaces will prove more than adequate for the contemplated change in use. However, should that prove to be incorrect, it has provided a revised layout showing the possibility of adding additional spaces should they be required. The attached plan shows the possibility of adding, up to, 21 additional spaces. The Applicant believes these are totally, unnecessary and, by this application are requesting a waiver of the parking requirement and the utilization of the parking incentives available within the TOD Zone, to permit the change in use without requiring an increase in parking. The Applicant agrees that should the Commission determine, in the future, that some additional spaces are required, they will come before you with a Modified Site Plan for Approval.