

MEMORANDUM

OFFICE OF COMMUNITY DEVELOPMENT

SECTION 12.9 MINOR CHANGE TO A SPECIAL PERMIT FOR
EXTERIOR ARCHITECTURAL CHANGES TO A RESTAURANT BUILDING AND A
SECTION 6.6 SPECIAL PERMIT REQUEST FOR AN OUTDOOR CAFÉ IN THE PLANNED BUSINESS AND DEVELOPMENT ZONE
FOR A NEW DAIRY QUEEN CHILL & GRILL
2834 MAIN STREET
MEETING DATE : APRIL 6, 2021
PUBLIC HEARING CONTINUED FROM MARCH 16, 2021

PUBLIC HEARING #1
04-06-2021 AGENDA

To:
Town Plan and Zoning
Commission

From:
Office of Community
Development Staff

Memo Date:
April 1, 2021

Zoning District:
Planned Business and
Development (PBD)
Zone / Flood (F) Zone

Applicant:
Michael Cassetta

Owner
RHC Associates

STATUS UPDATE

- At the March 16, 2021 meeting the question was raised if the addition of the patio to the existing non-conforming building at 2834 Main Street constituted an expansion of a non-conforming building.
- Office of Community Development staff has consulted with the Building Official and the Town Attorney who have both provided emails stating their opinion that the addition of the patio does not constitute an expansion of a non-conforming building.
- The building was originally approved by the TPZ as a Burger King on February 3, 1971. The building subsequently was operated by Hardee's 1971, Roy Roger's 1982, and Boston Chicken/Market 1994.
- At the March 16, 2021 meeting the applicant stated that the plans for the project would be revised to reflect angled parking along the southern side of the parking lot.
- The applicant has submitted revised sets of plans showing the proposed changes to the parking.
- The change in orientation of the parking spaces reduces the number of provided on-site parking spaces from 48 to 46 spaces which is in excess of the required 26 spaces.
- Commissioners also raised questions about ability of the drive-thru aisle to handle peak hour queuing.
- The applicant has submitted a queuing plan, a traffic management plan and queuing/stacking numbers from their other DQ Chill & Grill franchise locations.

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SECTION 6.6 SPECIAL PERMIT REQUEST FOR AN OUDOOR CAFÉ IN THE PLANNED BUSINESS AND DEVELOPMENT ZONE
FOR A NEW DAIRY QUEEN CHILL & GRILL
2834 MAIN STREET
MEETING DATE : MARCH 16, 2021

PUBLIC HEARING
03-16-2021 AGENDA

To:
Town Plan and Zoning
Commission

From:
Office of Community
Development Staff

Memo Date:
March 12, 2021

Zoning District:
Planned Business and
Development (PBD)
Zone / Flood (F) Zone

Applicant:
Michael Cassetta

Owner
RHC Associates

EXECUTIVE SUMMARY

- The site of the proposed project has been used for a restaurant for 50 years.
- The applicant is proposing exterior architectural changes to the existing restaurant building at 2834 Main Street for a new Dairy Queen including; new building materials; color; awnings; building lights; signage and a parapet tower at the northwest corner of the building over the entrance.
- The applicant is also proposing an outdoor dining area on the west end of the building.
- Section 6.6 of the Building Zone Regulations states, "There shall be no window counter service, outdoor seating or eating at or on the premises, except that the Town Plan and Zoning Commission may in its discretion and for good cause in the case of a comprehensive Plan of Development with due consideration for litter, public health, insect pests and overall site considerations, permit an outdoor café with service to customers seated at table only as an accessory use to a retail trade - eating and drinking facility."
- The applicant has also repaved the parking lot which resulted in a net gain in on-site flood storage capacity for the portion of the lot located in the Flood Zone.
- The Plans Review Subcommittee reviewed the proposal at their meeting of November 19, 2020. There they advised the applicant on landscaping, on-site lighting, signage and the materials to be used to construct the dumpster enclosure.
- The Community Beautification Committee (CBC) reviewed the project at their December 9, 2020 and January 13, 2021 meetings.
- At the January 13, 2021 meeting the CBC approved the proposed landscape plan.
- The Water Pollution Control Authority (WPCPA) reviewed the proposal at their meetings of December 12, 2020, January 20, 2021 and February 10, 2021.
- At the February 10, 2021 meeting, WPCA granted the applicant a Grease Management Waiver.

REVIEW

Included for Commission review are the following:

- Town of Glastonbury staff memoranda
- A copy of the application
- A site plan
- Elevation drawings
- Minutes from the November 19, 2020 meeting of the Plans Review Subcommittee.
- Minutes from the December 9, 2020 and February 10, 2021 meetings of the Water Pollution Control Authority
- Minutes from the December 9, 2020 and January 13, 2021 meetings of the Community Beautification Committee



Aerial view of 2855 Main Street looking west

SITE DESCRIPTION [See plan set sheet entitled “Property/Topographic Survey Showing Existing Conditions”]

The subject site is an 1.08 acre parcel with a 2,930 square foot restaurant building (formerly occupied by Boston Market) located at the center of the property. Access to the site is through a curb cut at the southwestern corner of the site at the signalized intersection of Main Street and Pratt Street.

ADJACENT USES

The site has retail and office uses to the north, west and south, with residential to the east.

PROPOSAL [See plan set sheet entitled “Zoning Improvement Location Survey - Proposed & Site Layout Plan”]

The applicant proposes to convert the existing building at 2834 Main Street formerly occupied by Boston Market to a Dairy Queen Chill & Grill franchise. The applicant intends to keep the existing parking layout and circulation pattern. The project calls for exterior architectural changes, new signage, a replacement dumpster enclosure, a new outdoor seating area and a bike rack.

PARKING, VEHICULAR CIRCULATION AND DUMPSTER ENCLOSURE [See plan set sheet entitled “Zoning Improvement Location Survey - Proposed & Site Layout Plan”]

The required parking for the proposed restaurant is 26 spaces; 19 spaces to accommodate 56 indoor seats and 7 spaces to accommodate 20 outdoor seats. There are a total of 48 parking spaces including 2 handicapped accessible spaces on the site. The parking spaces are located along the perimeter of the paved parking area. Customers will enter the site at the signalized intersection of Main Street and Pratt Street and head east in a counterclockwise pattern. To ensure that patrons do not turn left upon entering the site to access the front parking spaces, the Police Chief, in his memorandum dated March 3,

2021 recommends as a condition of approval that a “No Left Turn” sign is installed at the northeast corner of the entrance to the site.

The applicant intends to reuse the existing drive-through window located on the north side of building. The drive-through queue will start at the southeast corner of the building and wrap counterclockwise around the building towards the drive through window. The applicant will install a new drive through menu board at the eastern end of the building at which patrons will place their orders for pick up at the drive through window.

The dumpster enclosure will be rebuilt on the existing concrete pad with a 6-foot tall chain link fencing with vinyl privacy slats. A bike rack will also be installed at the northwest corner of the building.

ARCHITECTURE AND SIGNAGE [See plan set sheet F-5 entitled “Exterior Elevations and Finishes”]

The architectural details of the building will be modified to reflect the Dairy Queen branding. The applicant has removed the canopies used by Boston Market on the north south and east sides of the building. The canopies will be replaced with a 1-foot, 6-inch tall black metal overhang. The overhang will be placed on the building in segments of different lengths and depths. Overhang segments will be located above the entrance at the northwest corner of the building, over the front windows at the southwest corner of the building, over the drive through window, and along the north and south elevations of the building. The northwest corner of the building will be rebuilt as a tower where the entrance will be located. The applicant intends to replace the brick and wood clapboard siding on the lower portion of the building with a stone veneer water table. The stone veneer will be located along the west (front) side of the building and around the north and south sides to the middle of the building. The applicant will replace the brick on eastern (rear) portion of the building with cement board clapboard siding. The cement board, and existing Exterior Insulation and Finish System (EIFS) along the top portion of the building will be painted.

Signage for the new restaurant will consist of two, 13 ½ square foot “DQ” logo signs on the west and north sides of the tower. The applicant is also proposing a 7 square foot, channel letter, “Chill & Grill” sign on the west elevation above the metal awning. There will also be a 13 ½ square foot ground sign mounted on a 4-foot wide concrete base. According to Section 10.3.c of the Building Zone regulations regarding single building parcels with a single business use, the total area of ground and or wall signage in square feet for a parcel is equal to the linear foot length of the building wall containing the main entrance. The applicant has calculated the length of the main entrance wall to be 34 ± linear feet. The total area for all proposed signage will exceed 34 square feet. Section 10.3.c states “The Town Plan and Zoning Commission, as part of the approval of a Section 12 Special Permit with Design Review, may require modifications to the permitted size, location, height and number related to a sign or group of signs.”

LANDSCAPING, LIGHTING AND OUTDOOR DINING [See plan set sheet LS-1 entitled “Site Landscape Plan”; plan set sheet entitled “Proposed Patio Layout Plan” & plan set sheet #10 entitled “Photometric Plan”]

The applicant's landscape plan was reviewed by the Community Beautification Committee at their December 9, 2020 meeting and again at their January 13, 2021 meeting. The Committee approved the revised plan at the January 13, 2021 meeting. The Office of Community Development is recommending as a condition of approval that the applicant install Exbury Azaleas on the south side of the building.

Lighting for the site will include reuse of the existing 15 –foot tall light poles at the perimeter of the parking lot. New, night-sky compliant, LED light fixtures will be installed on the existing poles. There will also be recessed lights installed under the canopies; two lights under the front canopy and 3 on each side. The submitted lighting plan shows there will be no spillage of light on to adjacent properties.

The applicant has installed a concrete outdoor dining area at the western end of the building south of the entrance. The outdoor dining area will be enclosed by a 4-foot tall; black aluminum fence. with concrete posts. The proposed plans show that there will be 5 tables with 4 seats at each table. As previously mentioned the 20 table seats are included in the overall seat count for the restaurant. The Office of Community Development is recommending as a condition of approval that there shall be no logos, or lettering on any umbrella or shade structure used in the outdoor dining area.

STORMWATER MANAGEMENT AND ON-SITE GREASE MANAGEMENT [See plan set sheet entitled “Site Development Plan”, and Water Pollution Control Authority meeting minutes from December 12, 2020 & February 10, 2021]

The applicant will use the existing onsite stormwater collection system consisting of 3 catch basins located at the northwest, southwest and southeast corners of the parking area. The catch basins will direct runoff east to an outlet structure that drains into a Salmon Brook tributary at the east side of the property.

The Water Pollution Control Authority reviewed the proposed plan at their December 12, 2020, January 20, 2021 and February 10, 2021 meetings. At the February 10, 2021 meeting the WPCA granted a Grease Management Waiver request to the applicant to allow them to use an interior grease trap as opposed to an exterior subsurface grease trap. The waiver was granted on the condition that the applicant place funds in escrow with the town, and the applicant retains a licensed engineer to conduct a program of grease monitoring over the next 2 years to ensure that grease concentration levels discharged into the sanitary sewer are at acceptable levels.

WETLANDS [See plan set sheet entitled “Property/Topographic Survey Showing Existing Conditions”]

A tributary to Salmon Brook runs north to south across the eastern portion of the lot and there are also wetland soils present in this area. There will be no direct wetlands impact for this project however there will be construction in the 100-foot upland review area. A staff administered wetlands approval was granted by the Wetlands Agent.

FLOOD ZONE [See plan set sheet entitled “Property/Topographic Survey Showing Existing Conditions”]

The eastern portion of the lot where the dumpster and rear parking spots are located is in the 100– year FEMA Flood Zone. No new construction is proposed for this area. The dumpster enclosure will be reconstructed and slightly enlarged however the enlargement will take the place of an existing parking space and will not decrease flood storage capacity onsite. Further the applicant has slightly increased the amount of on-site compensatory storage by removing several layers of pavement while repaving the parking lot. The applicant has submitted an as-built site plan showing the new parking area elevation which was reviewed to the satisfaction of the Office of Community Development.

ZONING ANALYSIS AND CONSISTENCY WITH THE PLAN OF CONSERVATION AND DEVELOPMENT

The use is permitted in the Zone with a Special Permit and the existing building is legal non-conforming with regard to front, side and rear yard setbacks. The applicant is requesting to have an 20 seat outdoor dining area. Section 6.6.c of the Building Zone Regulations states, "There shall be no window counter service, outdoor seating or eating at or on the premises, except that the Town Plan and Zoning Commission may in its discretion and for good cause in the case of a comprehensive Plan f Development with due consideration for litter, public health, insect pests and overall site considerations, permit an outdoor café with service to customers seated at table only as an accessory use to a retail trade - eating and drinking facility." The Office of Community Development is recommending as a condition of approval that any lettering, logos, or designs shall be prohibited on any umbrellas in the outdoor patio area.

The project is consistent the following policies of the 2018—2028 Plan of Conservation and Development:

Planning Area 4—Town Center

Economics

- Continue efforts to enhance the streetscapes along Main Street and Hebron Avenue through landscaping and architectural improvements. Continue to support outdoor dining proposals where appropriate.
- Support the continued redevelopment of the Town Center in a manner that encourages congregation of its residents for community gathering spots.

Pertinent staff correspondence and draft motions are attached.