

Published on June 14, 2021

NOTICE TO TOWN CLERK OF PROPOSED AMENDMENTS TO ZONING REGULATIONS AND/OR ZONING MAP

Pursuant to Section 8-3, C.G.S., the Planning and Zoning Commission is required to file proposed amendments to the Zoning Regulations and Zoning Map with the Town Clerk at least 10 days prior to the public hearing on such amendments. In accordance with this requirement, a copy of the following proposal to amend the Mansfield Zoning Regulations is attached.

- **File Number P-1374:** Application of Champagne Toystore, LLC, to Amend Articles 4, 7, 8, and 10 of the Mansfield Zoning Regulations to establish provisions for drive-through facilities and authorize drive-through facilities accessory to restaurants in the PB-1 zone with special permit approval. (PZC File 1374). The public hearing on the proposed amendment is scheduled for Monday, July 19, 2021 at 6:30 P.M.

For more information on the proposed amendment and public hearing, please email planzonedept@mansfieldct.org.

Paul Aho, Chair
Binu Chandy, Secretary

Pursuant to Governor Lamont's Executive Order 71, enacted March 21, 2020, all public notices, including but not limited to public hearing notices, notices of decision, and notices of proposed changes to adopted regulations and maps for the following entities will now be posted on the Town Website in the Legal Notices section (<http://www.mansfieldct.gov/1713/Legal-Notices>). Until the public health emergency is over, the on-line posting of these notices shall replace publication of such notices in The Chronicle newspaper and posting of such notices in the Town Clerk's office.



Your place to grow

Application to Amend the Zoning Regulations

- Before starting this application, please be sure you have the required information and documents ready.
- Make sure that required documents are saved in pdf form and appropriately named. For example: "Statement of Justification," "Traffic Analysis," etc.
- Please call the Department of Planning and Development at 860.429.3330 with any questions on how to complete the form.

General Information

Who is completing this application form? **Agent for Applicant**

Project Name: Regulation Amendment - Drive Through Facilities

Applicant Information

Name Champagne Toystore, LLC

Street Address c/o CPH Mansfield, LLC 60 Beeckman Ave.

City/Town Cranston

State RI

Zip Code 02920

Telephone 6176450956

Email

hillary.peters@outlook.com

Applicant Status Pursuant to Article 13, Section A of the Zoning Regulations • Property Owner
(Check all that apply):

Agent Information

Have any agents/representatives been authorized to act on behalf of the Applicant with regard to this application? Yes

Please provide contact information for each person that may be directly contacted regarding the application.

Agent Contact Information

i. **Name**

CPH Mansfield, LLC

Street Address

60 Beeckman Ave.

City/Town

Cranston

State

RI

Zip Code

02920

Telephone

6176450956

Email

hillary.peters@outlook.com

What is this agent's role on the project team?

Other

Other

contract purchaser

ii. **Name**

Dorian R. Famiglietti

Street Address

Kahan, Kerensky & Capossela, LLP 45 Hartford Turnpike

City/Town

Vernon

State

CT

Zip Code

06066

Telephone

8608121765

Email

dfamiglietti@kkc-law.com

What is this agent's role on the project team?

Attorney

For each proposed amendment, please complete provide the following information. Please group amendments by Article when completing this portion of the application.

i. **Article and Section Number(s); for example, Article 10, Sections B.2 through B.6**

Article 4, Section B

Please describe the proposed amendments.

Add definition for "drive through facility" - See attached for full text

ii. **Article and Section Number(s); for example, Article 10, Sections B.2 through B.6**

Article 7, Sections L, M, O and P

Please describe the proposed amendments.

Allow for drive through facilities for restaurants in the PB-1 Zone, but exclude them in the PB-2, PB-4 and PB-5 Zones - See attached for full text

iii. **Article and Section Number(s); for example, Article 10, Sections B.2 through B.6**

Article 8 Table of Dimensional Requirements and Notes

Please describe the proposed amendments.

Allow for adjustment to the minimum/maximum front setback line where drive through facilities are proposed in the PB-1 Zone - See attached for full text

iv. **Article and Section Number(s); for example, Article 10, Sections B.2 through B.6**

Article 10, Section X

Please describe the proposed amendments.

Provide specific regulations for review and approval of drive through facilities - See attached for full text

Please upload the exact wording of the proposed amendments, preferably in a strike-through and underline format that includes the context of the overall section in which changes are proposed.

File(s) attached:



Mansfield drive through facility regulation amendment pdf.pdf

Statement of Justification

Provide a Statement of Justification that:

1. Addresses the approval considerations of Article 13, Section C;
2. Substantiates the proposal's compatibility with Mansfield's Plan of Development;
3. Identifies the reasons for the proposed amendment (including any circumstances or changed conditions that justify the proposal and how the amendment would clarify or improve the Zoning Regulations); and
4. Describes the effect the change would have on the health, safety, welfare and property values of Mansfield residents.

Please upload a dated Statement of Justification

File(s) attached:

 Mansfield statement of justification pdf.pdf

Submission Requirements

In addition to completion of this form and payment of the application fee, the following items are required for an application to be considered complete. Please contact the Department of Planning and Development at planzonedept@mansfieldct.gov.

In addition to digital (pdf) copies of all required documents, original signed and sealed copies shall be provided of all submissions. Additional copies may be required for certain documents as specified.

Please date all documents, including revision dates.

Reports or Other Information Supporting the Proposed Amendment(s)

Application Fee

A non-refundable application fee in the amount of **\$560** is required pursuant to [Section 122-2 of the Mansfield Code of Ordinances](#). The fee includes a \$60 land use fee required by the State of Connecticut.

Payment of Application Fee

As Town Hall is currently closed to slow the spread of the COVID-19 virus, payment of application fees is limited to the following options. Please be advised that your application will not be complete until full payment of the application fee is received.

- **Check.** A check payable to the Town of Mansfield can be left in the drop box at the eastern entrance to Town Hall in an envelope addressed to the Department of Planning and Development or mailed to: Department of Planning and Development, 4 South Eagleville Road, Mansfield, CT 06268-2599
- **Credit Card.** Credit card payments are accepted over the telephone at 860.429.3330 during regular business hours.

Agent Certification Statement

In signing and submitting this application, I hereby certify the following:

In completing and submitting this application, I certify that:

- I have been authorized by the Applicant identified in this application to act on their behalf.
- I understand that the subject application will not be considered complete until the Applicant completes and submits the Applicant Certification Statement, available at <https://mansfield-planningdevelopment-mansfield-ct.app.transform.civicplus.com/forms/13772>.

Signature

A handwritten signature in black ink, consisting of several overlapping loops and lines, appearing to be a stylized name.

Date

06/03/2021

Applicant: CPH Mansfield, LLC
Application: Zoning Regulation Amendment – Drive Through Facilities
Date: June 3, 2021

Revisions in *italics and underlined*

Article 4 – Rules and Definitions

B. Definitions

Drive-through facility. A commercial facility where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. This shall not include the selling of fuel at a gasoline station or the functions of a car wash facility.

Article 7 – Permitted Uses

- L. Uses Permitted in the Planned Business 1 Zone (Route 195/Route 6 Area)
- 2. Categories of permitted uses in the Planned Business 1 Zone requiring special permit approval as per provisions of Article 5, Section B:

k. Category K

- 1. Restaurants, provide the following conditions are met:

b. *Drive-through facilities shall be permitted only if the following additional requirements are met:*

(i) The restaurant has its primary access on an arterial road; and

(ii) The drive-through facility is designed in accordance with Article 10, Section X of the Zoning Regulations.

M. Uses Permitted in the Planned Business 2 Zone (Route 195/Dog Lane Area)

- 2. Categories of permitted uses in the Planned Business 2 Zone requiring special permit approval as per provisions of Article 5, Section B:

h. Category H

Restaurants, subject to the standards and requirements cited in Article 7, Section L.2.k.1.a. *No drive-through facility service shall be permitted.*

O. Uses Permitted in the Planned Business 4 Zone (North Eagleville Rd./King Hill Rd. Area)

2. Categories of permitted uses in the Planned Business 4 Zone requiring special permit approval as per provisions of Article 5, Section B:

i. Category I

Restaurants, subject to the standards and requirements cited in Article 7, Section L.2.k.1.a. No drive-through facility shall be permitted.

P. Uses Permitted in the Planned Business 5 Zone (Route 32/Route 31 Area)

2. Categories of permitted uses in the Planned Business 5 Zone requiring special permit approval as per provisions of Article 5, Section B:

k. Category K

Restaurants, subject to the standards and requirements cited in Article 7, Section L.2.k.1.a. No drive-through facility shall be permitted.

Article 8 – Dimensional Requirements/Floor Area Requirements

[On the table of dimensional requirements under the Column heading “Front Setback Line (Minimum Unless Otherwise Noted) (In Feet) See Notes...., add:] (28)

[in the Front Setback column for the Zone PB-1 row, under the currently stated minimum and maximum, add:] (See Note 28)

Notes Schedule of Dimensional Requirements

28. See Article 10, Section X.4 for special provisions related to front setback line where a drive-through facility is proposed in the PB-1 Zone.

Article 10 – Special Regulations

X. Drive-through facilities

1. This section shall apply to all permitted uses that may request the provision of a drive-through facility.

2. Drive-through facilities may be permitted in locations deemed appropriate by the Commission upon the issuance of a Special Permit and provided the facility is designed to minimize the impact on the walkable nature of the area.

3. A minimum lot size of one acre shall be required for one drive-through facility on a site; a minimum lot size of one and one-half acres shall be required for two drive-through facilities on a site. In no event shall there be more than 2 drive-through facilities on any site.

4. A traffic study, prepared by a State of Connecticut licensed professional engineer experienced and qualified in traffic engineering, shall be required describing, at a minimum:

a. Existing traffic conditions, including without limitation average daily AM and PM peak hour volumes sight distances, accident data, and level of service on adjacent and nearby streets;

b. Projected traffic conditions and impacts, including without limitation, the peak hours of operations, volume of customers per hour, average annual background traffic growth, impacts of proposed developments which have already been approved, are under construction or are pending before the Commission, projected levels of service on adjacent and nearby streets, sight distances, and analysis of the proposed drive-through facility with emphasis on queueing lanes and overall number of queueing spaces;

c. Description of traffic improvements, including pedestrian and public transit improvements, to mitigate traffic impacts.

5. Notwithstanding any other requirement in Article 8 to the contrary, the Commission may, as part of the special permit for a drive-through facility, increase the maximum front setback line in the PB-1 Zone provided all of the following criteria are met:

a. The increased front setback line is consistent with the prevailing front setback lines on neighboring properties and continues existing visual patterns (e.g. location of buildings, sidewalks and parking areas);

b. The increased front setback is necessary, when considering factors such as lot size, lot configuration and reduction of impacts on regulated areas, in order to accommodate the safe and efficient traffic circulation associated with the drive-through facility;

c. The proposed layout aesthetically conforms with the character of neighboring properties;

d. The proposed layout will not adversely affect the character of neighboring properties or adversely affect the general health, welfare or safety of the Town;

e. The proposed layout incorporates other amenities or improvements to activate the street frontage, enhance the streetscape or improve pedestrian accessibility. Such amenities or improvements may include, without limitation, the following: (i) provision of outdoor dining and seating area in the front of the building; (ii) creation of a clearly defined direct pedestrian access from the street line to the front entry of the building; (iii) inclusion of street furnishings or other landscape features to establish the streetline; and (iv) provision of bicycle racks.

6. Notwithstanding any other requirement in Article 10, Section R to the contrary, the Commission may, as part of the special permit for a drive-through facility, permit the location of parking areas in the front of proposed buildings in the PB-1 Zone provided all of the following criteria are met:

a. The location of the parking areas is consistent with the prevailing parking area locations on neighboring properties;

b. Parking in the front of the proposed building is necessary, when considering factors such as lot size, lot configuration and reduction of impacts on regulated areas, in order to accommodate the safe and efficient traffic circulation associated with the drive-through facility;

c. The proposed parking layout aesthetically conforms with the character of neighboring properties; and

d. The proposed parking layout will not adversely affect the character of neighboring properties or adversely affect the general health, welfare or safety of the Town.

7. The size of queuing lanes shall be adequate to allow for the safe movement of vehicles with a minimum length of twenty (20) feet and width of ten (10) feet in straight areas and twelve (12) feet along curved segments of the stacking lane.

8. For restaurants, a minimum of eight (8) queuing spaces, as measured from the pick-up window, shall be provided for each drive-through facility, including the vehicle being served. For financial institutions and pharmacies, a minimum of four (4) queuing spaces, as measured from the service window, shall be provided for each drive-through facility. Queuing spaces shall not be calculated as part of required parking. The Commission may allow up to a fifty percent (50%) reduction of the required queuing spaces if supported by the traffic study.

9. Queuing lanes shall be clearly defined by pavement markings and directional signage.

10. Queuing lanes shall not interfere with:

- a. The safe use of the required parking spaces and general site circulation lanes;
- b. Interior pedestrian circulation;
- c. The access to or from any public street.

11. The queuing lanes shall be effectively separated from the parking areas and pedestrian walkways through the use of curbing and/or landscaping improvements. The Commission may require the use of hardscape improvements such as decorative pavers, bollards and raised crosswalks to meet this design objective. Where two drive-through facilities are located on one site, the queuing lanes for each business must be physically separated and complemented by clearly visible way-finding signage to direct traffic to the respective drive-through facilities.

12. A dedicated bypass lane may be required by the Commission in order to allow vehicles to exit the queuing lane and/or to provide access to emergency vehicles

13. At least ten (10) feet of height clearance shall be provided for the queuing lanes and bollards shall be located adjacent to drive through windows to prevent damage to the building from vehicles.

14. To the extent required by the Commission, the drive-through service window(s) and queuing lanes shall be buffered from view from public streets using landscaping, decorative fencing or other attractive screening.

15. Drive-through facilities, including windows, canopies and other related facilities, shall be architecturally compatible with the building and the existing or planned streetscape.

16. Any sign or menu board associated with a drive-through facility shall conform to the following:

a. Shall not exceed seven (7) feet in height as measured from top of finished grade at the base of the sign or menu board;

b. Shall not exceed forty (40) square feet in size; and

c. Shall be buffered from view from public streets and residential properties using landscaping, decorative fencing or other attractive screening.

17. Outdoor loudspeakers associated with any drive-through facility shall not produce noise levels in violation of the provisions of Chapter 134 of the Town's Code of Ordinances and shall be located at least 300 feet from any adjacent residential structure.

18. A program for policing and eliminated outdoor litter must be submitted.

Applicant: CPH Mansfield, LLC
Application: Zoning Regulation Amendment – Drive Through Facilities
Date: June 3, 2021

Revisions in *italics and underlined*

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- 2. Categories of permitted uses in the Planned Business 1 Zone requiring special permit approval as per provisions of Article 5, Section B:

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b. Projected traffic conditions and impacts, including without limitation, the peak hours of operations, volume of customers per hour, average annual background traffic growth, impacts of proposed developments which have already been approved, are under construction or are pending before the Commission, projected levels of service on adjacent and nearby streets, sight distances, and analysis of the proposed drive-through facility with emphasis on queueing lanes and overall number of queueing spaces;

c. Description of traffic improvements, including pedestrian and public transit improvements, to mitigate traffic impacts.

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a. The increased front setback line is consistent with the prevailing front setback lines on neighboring properties and continues existing visual patterns (e.g. location of buildings, sidewalks and parking areas);

b. The increased front setback is necessary, when considering factors such as lot size, lot configuration and reduction of impacts on regulated areas, in order to accommodate the safe and efficient traffic circulation associated with the drive-through facility;

c. The proposed layout aesthetically conforms with the character of neighboring properties;

d. The proposed layout will not adversely affect the character of neighboring properties or adversely affect the general health, welfare or safety of the Town;

e. The proposed layout incorporates other amenities or improvements to activate the street frontage, enhance the streetscape or improve pedestrian accessibility. Such amenities or improvements may include, without limitation, the following: (i) provision of outdoor dining and seating area in the front of the building; (ii) creation of a clearly defined direct pedestrian access from the street line to the front entry of the building; (iii) inclusion of street furnishings or other landscape features to establish the streetline; and (iv) provision of bicycle racks.

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13. At least ten (10) feet of height clearance shall be provided for the queuing lanes and bollards shall be located adjacent to drive through windows to prevent damage to the building from vehicles.

14. To the extent required by the Commission, the drive-through service window(s) and queuing lanes shall be buffered from view from public streets using landscaping, decorative fencing or other attractive screening.

15. Drive-through facilities, including windows, canopies and other related facilities, shall be architecturally compatible with the building and the existing or planned streetscape.

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