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# MEMORANDUM

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**DATE:** February 10, 2021  
**TO:** Lisa Losee, Town Clerk  
**FROM:** Planning and Zoning Commission  
**RE:** Public Hearing for proposed amendments to the Town of Litchfield  
Zoning Regulations. Bakery Accessory Drive Thru Use

DPT

Attached are proposed amendments to the Town of Litchfield Zoning Regulations. The public hearing will be held on March 15, 2021 at 7:00 p.m. via live internet streaming.

# Town of Litchfield

## Zoning Regulations Text Amendment Application


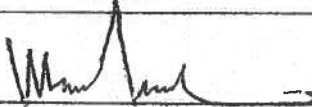
<b>NAME AND ADDRESS OF APPLICANT:</b> Sweet Grounds, LLC 126 South Main Street Torrington, Connecticut 06790 c/o Christopher J. Smith, Esquire Alter & Pearson, LLC P.O. Box 1530 Glastonbury, CT 06033 Phone: ( 203 ) 623.0545 E-mail: csmith@alterpearson.com			
Date Received	Meeting Date	Zoning Administrator	Town Clerk

### EXISTING REGULATION:

Section:	"Specific Standards and Requirements"; "G-202 Route 202 Commerce "; Appendix A, "Min Parking Requirements"
Subsection:	Not applicable
Existing Language ( <i>attach additional sheets if necessary</i> ):	Not applicable

### PROPOSED REGULATION:

Section:	Proposed NEW Section or Subsection FF; "Bakery, Accessory Drive-Thru Use"; also, see Exhibit A.
Subsection:	Please see Exhibit A.
Proposed Language ( <i>attach additional sheets if necessary</i> ):	Please see Exhibit A.

 Signature of Applicant	 Signature of Owner	January 21 / 2021 Date
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Sweet Grounds, LLC, Duly Authorized      6645 Federal Square Realty, LLC, Duly Authorized  
 Fee for Changes to Zoning Regulations: \$500.00 (Note: Additional fees may be charged for outside consulting services)

*All permit applications shall be subject to the current State of Connecticut DEEP Environmental Quality Fund Fee in addition to the municipal fee.*

CK 5335  
Sweet Grounds

# Sweet Grounds, LLC

January 21, 2021

Via hand-delivery and email delivery only

Carol Bramley, Chair  
Planning & Zoning Commission  
c/o Dennis Tobin, PhD  
Land Use Administrator  
Town of Litchfield  
80 Doyle Road  
P.O. Box 12  
Bantam, CT 06750

Re: Application for zone text amendments to allow for a "Bakery, Accessory Drive-Thru Use", in limited circumstances and subject to Special Exception review and other requirements.

Dear Chair Bramley and Members of the Commission,

We thank you for your time in review and consideration of our attached application for zone text amendments. We are the tenant and operator of the Dunkin Donuts located at 7 Village Green Drive in Litchfield, Connecticut. Our business has been a part of the community at its current location for 27 years. As such, we respectfully submit our application in response to the overwhelming desire of our customers, a very clear understanding and demonstrated need for the safest and most efficient methods of providing our products to the community at large, given the health and safety standards by which we all now live and conduct business.

Our Application proposes: (1) a new "Bakery, Accessory Drive-Thru Use" as a new Section FF in the "Specific Standards and Requirements" Section of the Zoning Regulations ("Regulations"); (2) a new "Bakery with Accessory Drive-Thru Use", subject to Special Exception review and approval, in the C-202 Zone District provisions of the Regulations; and (3) an "Accessory" Drive-Thru Use for Bakeries" under the "Commerce Uses" in Appendix A of the Regulations that govern "Minimum Parking Requirements".

We respectfully submit that the proposed text amendments not only address a clearly established need as a direct result of our changed health and economic conditions, but that the amendments are also: (1)

consistent with the Towns comprehensive plan (Zoning Regulations and Zone Map); (2) consistent with the Litchfield 2017 Plan of Conservation and Development; and (3) will not result in an adverse impact but will in fact result in a significant positive impact on public health, safety and welfare of our customers and the entire community at large.

We enclose the Application with proposed text amendments listed in Exhibit A to the Application, and the requisite filing fee.

We look forward to presenting this important and much needed proposal to the Commission.

With our best regards.

Respectfully,

A handwritten signature in cursive script that reads "Bill".

William A. Zampaglione, On behalf of:

Sweet Grounds, LLC

Home office:

126 South Main Street

Suite 200

Torrington, CT. 06790

(860)689-6007

[bzampaglione@sweetgroundslc.com](mailto:bzampaglione@sweetgroundslc.com)

## **EXHIBIT A**

### **SWEET GROUNDS, LLC: ZONE TEXT AMENDMENT FOR ACCESSORY DRIVE-THRU USE FOR A BAKERY PRINCIPAL USE**

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#### ***I. New section in "Specific Standards and Requirements"***

#### **NEW:**

#### **Section FF. BAKERY, ACCESSORY DRIVE-THRU USE**

*An accessory drive-thru use, may be permitted for an established or existing principal bakery use, which may include a valid, nonconforming bakery use, or valid, nonconforming restaurant or retail store use that primarily sells ready-to-eat food products that qualifies as a bakery use as defined in these Regulations, where the principal use satisfies the following minimum site requirements: (a) is located within a commercial shopping center on a lot or parcel that comprises a minimum of eight acres within the C-202 Zone District; (b) comprises a minimum of 900 square feet and not more than 1,200 square feet; (c) provides for outdoor patio seating with a minimum of 10 seats; and (d) primarily sells baked goods along with other food or beverage products, or ready-to-eat food products, on-site. The accessory drive-thru use may include food and/or beverages, excluding alcohol, that are offered to customers from drive-thru service and/or walk-up window service. Such accessory drive-thru use is subject to Special Exception review and approval as provided by Section 6 of "Permits, Approvals and Exceptions" in these Regulations, and the following requirements and design standards:*

- 1. The application shall include a statement of use that addresses the aforementioned minimum site requirements, hours of operation, staffing measures and a narrative of drive-thru features, including designated travel and stacking lanes, menu/order board(s), service window(s), and any associated mechanical devices.*
- 2. All drive-thru features, such as service windows, menu/order boards and stacking lanes, shall be a minimum of 100 feet, when measured from the principal building structure, from any residential building.*
- 3. A minimum of twelve stacking spaces shall be provided in the queuing lane to, and including, the furthest most drive-thru window. If the drive-thru has two menu/order boards, then the twelve stacking spaces may be divided between the queuing lanes for the menu/order boards.*
- 4. If there are two service windows, a minimum of thirty-five feet shall be provided between the service windows.*
- 5. Drive-thru stacking lanes shall be designed and located to minimize their crossing pedestrian accessways to the principal building. Any pedestrian accessway to the principal building that is crossed by a stacking lane shall be demarcated with a crosswalk. Drive-thru stacking lanes shall be delineated or separated from other vehicular use areas, including dumpster areas, with striping, curbing, landscaping or with other physical demarcation or separation measures.*
- 6. Each stacking space shall be a minimum of twenty feet in length and ten feet in width.*
- 7. Entrances to stacking lanes shall: (i) be clearly marked; and (ii) be a minimum of fifty feet from the entrance to the site.*

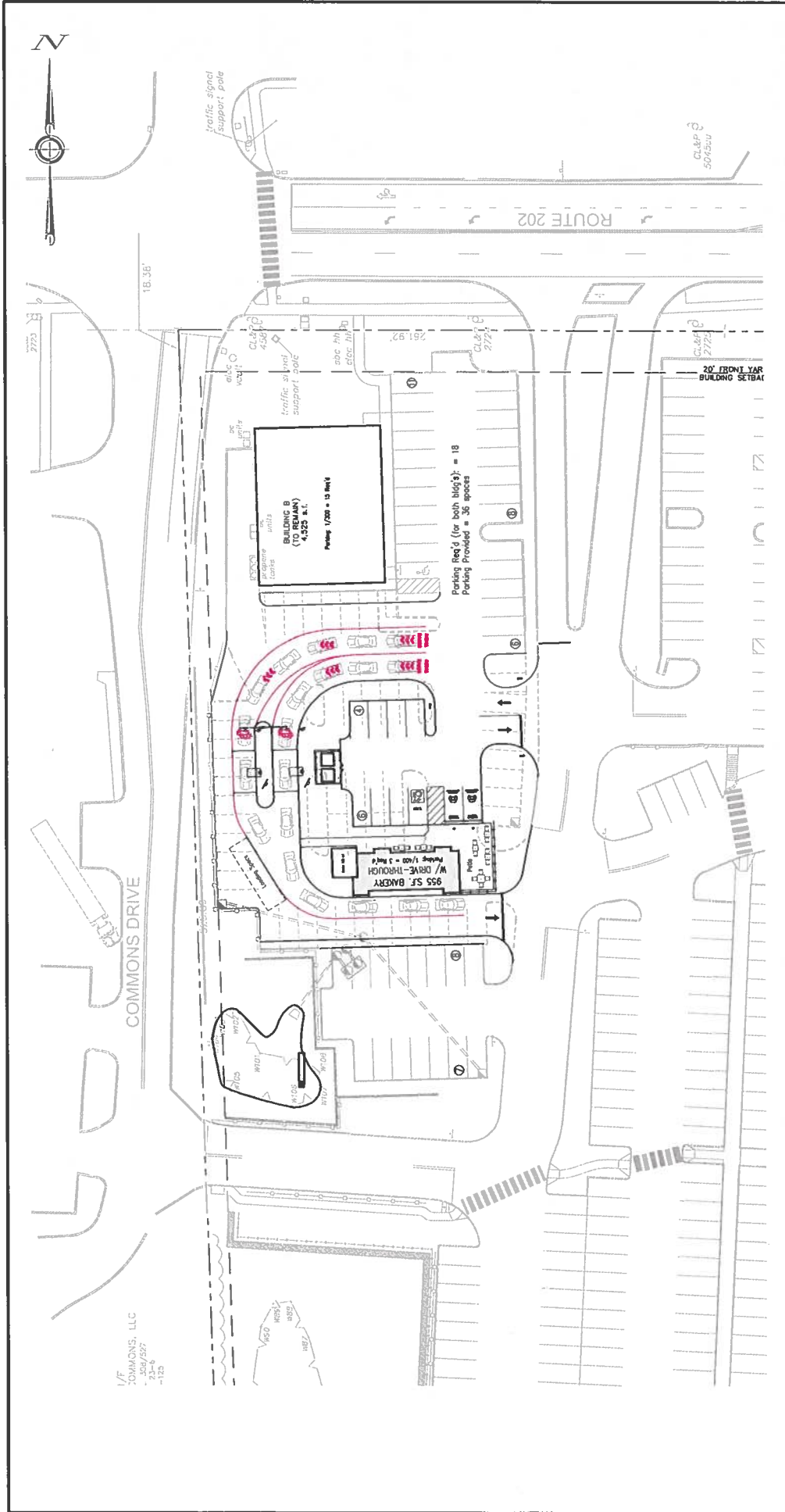
8. *Stacking lanes shall be designed to prevent circulation congestion, both on-site and on adjacent streets. On-site circulation shall: (i) separate drive-thru traffic from site circulation traffic; (ii) not impede or impair access into or out of on-site parking spaces; (iii) not impede or impair vehicular and/or pedestrian movement to or from the principal building or associated parking areas; and (iv) minimize conflicts between pedestrian and vehicular traffic with physical or visual separation between the two whenever possible.*
9. *Lighting and noise associated with the drive-thru features shall be designed to minimize impacts to adjacent residential properties or businesses. Screening, enclosures or other measures may be required, where appropriate, to minimize such impacts.*
10. *Any site plans and/or architectural plans required for a Special Exception, as provided by Section 6 of "Permits, Approvals and Exceptions" of these Regulations, shall be submitted that demonstrate compliance with the requirements provided for herein, and the requirements for Special Exception approval. In addition, the plans shall demonstrate that the design features are in keeping with the character of the business neighborhood and character of the community.*
11. *Notwithstanding any other provision of these Regulations, a valid, nonconforming bakery use may be relocated to another portion of the lot or parcel upon which it is located when an associated accessory drive-thru use is proposed, subject to the following: (i) the square footage associated with the valid, nonconforming bakery use is reduced by a minimum of 30%; and (ii) all other requirements for an accessory drive-thru use as provided in this Section, and Section 6 governing Special Exception applications, are met.*

**II. New: Permitted Uses in C-202 Zone District under "The Litchfield Districts – Commerce Districts; C-202 Route 202 Commerce" under "Special Exceptions"**

*Bakery with Accessory Drive-Thru Use.*

**III. New: "Accessory Drive-Thru Use for Bakeries" in Appendix A, "Minimum Parking Requirements", under "Commerce Uses"**

*Bakeries with Drive-Thru: 1 space per 400 square feet, plus 12 stacking spaces.*



CONCEPTUAL SITE LAYOUT PLAN			
Project Name	Project #	Issue Number	Issue Date
CP-SP9	19100.26	01/1/2021	01/1/2021
Drawn By	Checked By		
BP			

PROPOSED ACCESSORY  
DRIVE-THROUGH USE - CONCEPTUAL

PLAZA LITCHFIELD  
VILLAGE GREEN DRIVE  
LITCHFIELD, CONNECTICUT

Clary Rios, P.E. #97241

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INCLUDING PHOTOCOPYING, RECORDING,  
OR BY ANY INFORMATION STORAGE AND  
RETRIEVAL SYSTEM.

**SGR Engineering, LLC**  
Licensed Professional Engineers  
Design/Build Services  
138 Deep Field Street - Unit 43  
Thomaston, Connecticut 06787  
(860) 328-0000  
info@sgrengineering.com



# TOWN OF LITCHFIELD

P.O. BOX 488  
LITCHFIELD, CONNECTICUT 06759

May 20, 1994

Sal Rocha  
1174 Main Street  
Watertown, CT 06795

RE: Special Exception/Site Plan Application

Dear Mr. Rocha:

At the May 16, 1994 Litchfield Planning and Zoning meeting your application for special exception/site plan review for property located at Federal Square was approved with conditions as follows:

1. Your engineer must provide a cost estimate for the improvements as shown on the approved Site Plan "Federal Square Site Plan for Dunkin' Donuts" and "Federal Square Parking Layout Prepared for Litchfield Properties". This estimate must be approved by the Town Engineer. A cash bond for the improvements must be posted.
2. The sign "Dunkin' Donuts" on the building will be 18 square feet and placed in the position above the doorway where the former tenant's sign was located.
3. The "Dunkin' Donuts" sign placed on the existing Federal Square Directory will be 2'x4'.

Enclosed is the Certificate of Approval which must be filed on the Land Records with the Town Clerk.

Sincerely,

Martin J. Connor  
Land Use Administrator

cc: Dennis McMorro, P.E.  
Attorney Peter Herbst



CERTIFICATE OF APPLICATION APPROVAL

I hereby certify that at a meeting of the Planning and Zoning Commission of the Town of Litchfield held on May 16, 1994 the following special exception/site plan was granted with conditions under provisions of Article V, Section 11, Subsection 2h of the Litchfield Zoning Regulations by said Commission.

The application of Sal Rocha for "Dunkin' Donuts", property located at Federal Square.

The owners of record of Felix and Anthony Merante, Volume 184, Page 240.

Dated in Litchfield, Connecticut, this 20th day of May, 1994.

Martin J. Connor  
Land Use Administrator

THIS CERTIFICATE OF APPROVAL MUST BE FILED  
ON THE LAND RECORDS BY APPLICANT

# ZONING REGULATIONS

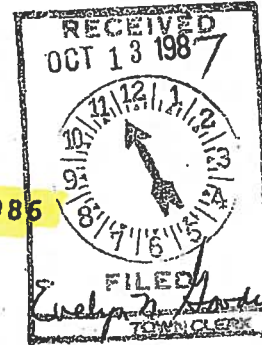
THE LITCHFIELD PLANNING and ZONING COMMISSION

LITCHFIELD, CONNECTICUT

ORIGINAL EFFECTIVE DATE

JULY 22, 1970

WITH REVISIONS THROUGH SEPTEMBER 16, 1985



Price \$5.00

**Article V - Section 10 (continued)**

3. A Site Plan prepared in accordance with provision of Article VI of these regulations shall be submitted and approved by the Commission before any building, structure, parking lot, sign, land, or use is constructed, built, or substantially altered in the B-Business Zone for either a use permitted by right or a use permitted by Special Exception. The Zoning Officer shall not issue a Zoning Permit for construction in a B Zone unless a Site Plan for said construction has been duly approved.

**SECTION 11 PB Business Zone**

1. In a PB Business Zone buildings and land may be used and buildings may be erected or altered for the following uses and no others:
  - a. Retail stores and trades including hotels and banks, except stores primarily selling ready to eat food products.
  - b. Personal service shops or stores.
  - c. Business and professional offices.
  - d. Theatres.
2. Special Exceptions in a PB Zone. The following uses are declared to possess such special characteristics that each must be considered as a special exception. They can be permitted in a PB Zone after a public hearing by the Commission, subject to the satisfaction of the requirements and standards set forth herein.
  - a. Residential use in a business building subject to the same conditions for a special exception for residential use of business building, as required in the B Business Zone. In addition, the following requirements shall apply.
    1. The total floor area of the residential use shall be secondary to the total floor area of the business use.
    2. There shall be two parking spaces for each apartment.
  - b. Restaurants and retail stores primarily selling ready-to-eat food products.
3. Requirements of the PB District
  - a. The Commission may require that side and rear yards in a continuous buffer of local coniferous trees and shrubs