



**DEPARTMENT OF DEVELOPMENT SERVICES – PLANNING DIVISION**  
**REPORT: Special Permit request at 200 Prospect Ave for consideration May 11, 2021**

**STAFF REPORT**

**TO:** Planning & Zoning Commission  
**PREPARED BY:** Paul Ashworth, Senior Planner  
[paul.ashworth@hartford.gov](mailto:paul.ashworth@hartford.gov)

**PROJECT:** Dunkin Donuts Drive-through  
200 Prospect Avenue  
**PARCEL ID:** 114-471-007  
**P&Z-COMM-2021-0391**

**ZONE:** MS-3, Main Street District

**TYPE:** Special Permit request to allow a drive through per Zoning Regulation 1.3.4

**APPLICANT:** Great American Donut, Inc. c/o Scott Fanning

**OWNER:** EDAH Realty, LLC



Overhead View – Hartford GIS 2021

### **BACKGROUND INFORMATION**

The Applicant has proposed to operate a drive-through only Dunkin Donuts restaurant at 200 Prospect Avenue. As part of the proposed change of use, the Applicant has requested development approval for site improvements, façade and building renovation and the installation of a drive-through facility. The drive-through use requires a Special Permit in the MS-3 district and must meet certain use specific criteria.

The following variances were granted in relation to the subject property at the April 6, 2021 meeting of the Zoning Board of Appeals (ZBA) allowing:

1. The drive-through facility to be located on the Kane Street façade; and,
2. For the creating of a new drive-through facility within 300 feet of another lot with a drive-through facility, and,
3. The stacking lanes related to the drive-through facility to wrap around the entire building parallel to abutting streets.

The above variances were granted under the following conditions:

1. The approval be limited to the proposed design for the proposed development. Should the property be redeveloped in the future, the variances shall be considered null and void.
2. Because the variance granted in 1984 regarding parking beyond the building line is in conflict with the objectives of the present Zoning Regulations, the Applicant shall sign a release voluntarily surrendering the rights conveyed to them. Such surrender shall be made to run with the land and apply to the current and any future owner of the property.
4. Pedestrian pathways leading to the primary building entrance shall be provided from at least one street frontage.
5. Street trees shall be provided along both frontages as required by the Zoning Regulations in addition to any on-site tree planting requirements.

The adjacent parcel to the north at 214 Prospect and the parcel across Kane Street to the south of the subject property at 186 Prospect are both occupied by eating places (McDonalds and Burger King respectively) with accessory drive-through facilities.

The subject property was most recently occupied by a van rental service. In 1984, the City of Hartford approved the property to be used as a donut shop (Bess Eaton Donuts) with a drive-through facility. The use was not continuous until today and therefore the property has not retained any rights regarding the use of a drive-through.

A variance was granted by the ZBA November 7, 1984 for parking beyond the building line on both Kane Street and Prospect Avenue. The variances granted at the April 6, 2021 ZBA meeting were approved on the condition that the parking variance from 1984 be released by the current property owner. The property owner has started coordination with the City's Corporation Counsel to draft a document to be executed and recorded to accomplish this.

### **KEY APPLICATION TIMELINES**

- Application Submission Date: April 9, 2021

- Date Application Accepted as Complete: April 9, 2021
- Application Date of Receipt: May 11, 2021 (sooner of either: date of next regularly scheduled meeting, or 35 days after acceptance of complete application)
- Public Hearing is scheduled to open on Tuesday, May 11, 2021; Open Hearing Deadline: July 15, 2021.
- Close Hearing Deadline (if opens May 11, 2021): (35 days after opening) Tuesday, June 15, 2021
- CT General Statutes Sec.8-7D allow that the applicant may consent to one or more extensions of time, provided the total extension of all time periods shall not be for longer than 65 days\*.

### **LEGAL STANDARD**

#### **Standard for Application Type:**

The Commission reviews special permits in accordance with Zoning Regulations section 1.3.4. Special permits may be approved, approved with conditions, or denied. Considerations the Commission may weigh in special permit review include: harmony with the plan of conservation & development; compliance with the purposes of the district; effect on existing development; creation of safety hazards in vehicular and pedestrian circulation; effects on traffic; compatibility with adjacent properties; suitability of arrangement of buildings, open space, and provision of light and air; impact on essential services; impact on stormwater runoff; impact on city services and infrastructure; tree and landscape provision; and pedestrian amenities. The Commission may deviate from the minimum requirements for building siting, height, street facades, accessory structures dimensions, tree installation, landscape installation, buffers, fencing, lighting, parking, signage, and street design by up to 15% upon certain findings.

### **STANDARD SPECIFIC TO THE USE**

#### **Sec.3.2, Fig.3.2-A: Table of Principle Uses**

- Eating places are permitted by right in the MS-3 District.

#### **Sec.3.4, Fig.3.4-A: Accessory Use Table**

- Drive-through facilities are permitted in the MS-3 District subject to Special Permit review and use specific conditions.

#### **Sec.3.5.2.A Drive-Through Facility:**

### 3.5.2 ACCESSORY COMMERCIAL USES

**A. Drive-Through Facility.** A type of drive-in establishment related to a Coffee Shop, Eating Place, Financial Depository Institution/Bank, and Laundromat & Dry Cleaning subject to 3.3.5 or to a Drug or Cosmetic Store allowed pursuant to 3.3.4, where part of its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to either serve patrons food or beverage while in the motor vehicle or else intended to permit consumption in the motor vehicle of food or beverage obtained by a patron from such business establishment.

When noted as subject to conditions ("●") or requires a special permit ("○") in Figure 3.4-A Table of Accessory Uses, the following regulations apply:

- (1) **Layout.** Refer to Figure 3.5-A Drive-Through Facility for one illustration of the following requirements.
  - (a) **Structure/Canopy.** Drive-through structures or canopies shall be located on the rear facade of the building or in the rear of the lot behind the building, where permitted by use. The structure shall not be visible from the front lot line or any primary street.
  - (b) **Stacking Lanes.** Stacking lanes shall be located perpendicular to the front lot line or behind the building.
  - (c) **Materials.** The canopy and structure shall be constructed of the same materials utilized on the building.
  - (d) **Drive Locations.** There shall be a minimum distance of 40 feet between any 2 curb cuts and a minimum distance of 25 feet between any curb cut and the corner of any corner lot which is at the intersection of 2 streets.
- (2) **Recommendations.** A recommendation in support of the drive-through is required from the director of the department of public works and the chief of police, subject to the conditions of this section. The department of public works shall specifically approve each entrance and exit to any facility.
- (3) **Lot Requirements.** There shall be a minimum lot area of 15,000 square feet and a minimum lot width of 120 feet;
- (4) **Front Yard Landscape.** The area between the building line and the front lot line not utilized for driveways shall be landscaped with year-round

plantings so as to prohibit parking over the building line.

- (5) **Proximity to Residential.** The drive-through facility shall not be located directly abutting any lot in a residential district or any lot containing a dwelling.
- (6) **Proximity to Schools.** The drive-through facility shall not be located within 1,000 feet of a school.
- (7) **Proximity to Other Drive-Through Facilities.** The drive-through facility shall not be located within 300 feet of another drive-through facility.
- (8) **Pedestrian Convenience & Safety.** The drive-through facility shall not be located near other uses where the location of such facility would be detrimental to pedestrian convenience or safety.
- (9) **Additional Requirements.** In addition to these conditions, the commission may require an applicant to modify a site plan to provide for sufficient pedestrian amenities, reduce the negative visual impact, and/or provide better circulation and parking so as to reduce the potential for accidents and the impact the proposed use may have on neighboring development when the director of the department of public works or the chief of police suggests such modifications are desirable. Such modifications to a site plan may include, but are not limited to, additional landscaping and screening, redesign of parking areas, relocation of entrances/exits and curb cuts and the limitation of the size and number of signs.

**B. Incidental Entertainment.** Background music provided at an eating or drinking place, the sole purposes of which shall be to enhance the particular ambiance of the establishment. When noted as subject to conditions ("●") or requires a special permit ("○") in Figure 3.2-A Table of Principal Uses, the following regulations apply:

- (1) **Format of Entertainment.** Incidental entertainment shall be limited to the following formats:
  - (a) Live music performance in which no more than 3 instruments are played at any one time.
  - (b) Prerecorded music played from a preselected play list over the permanently installed sound system of the establishment.
- (2) **Volume.** Incidental entertainment shall be permissible provided that the maximum volume

## **FINDING OF FACTS**

### **Subject Property**

- Lot is +/-19,518 SF
- Corner lot with primary frontage on Prospect Avenue.
- Cross-access to the east onto a parcel owned by the eating place to the north.
- Existing nonconforming Commercial Center type building to remain.

### **Drive-Through Facility**

- Proposed on South corner-side façade facing Kane Street.
- Stacking lane to wrap around the building with a bail-out lane provided
- Use is adjacent to a property with the same drive-through use to the north.
- Canopy and structure to match building per Applicant.

### **Proposed Conditions**

- Parking will be removed from both street frontages in exchange for landscaping and one way vehicular flow and stacking.
- Total parking will be reduced from approximately 21 spaces to 3 spaces.
- Canopy and structure materials match the principle building:
  - o Drive through window to be matching material and color to façade.
  - o Canopy to be painted in matching color scheme.
- Plantings provided between drive aisle and front and corner side property lines.

### **Proximity Per Sec.3.5.2**

- Subject property does not abut a lot used for residential purposes.
- The closest school is approximately 3,000 linear feet away.
- Abuts drive-through uses to the north and across the street to the south.



Photo 1. Existing Conditions Context – Hartford GIS 2021





the Zoning Board of Appeals on April 6, 2021. However, Staff also finds that some criteria within the Regulations are met only under certain conditions as outlined below.

The current proposal will re-use an existing, nonconforming Commercial Center type building. The building is nonconforming due to siting and the proposed development will invest in the continuance of that nonconforming structure. However, if the proposed development were to demolish the existing structure and construct a new facility in a location closer to the street as the Regulations require, the total length of the stacking lanes would be reduced. The current design allows for stacking lanes to wrap completely around the building and hold approximately 10 or more cars. The reuse of the building and the layout of the site allow for longer stacking lanes and thus lessen the chance of cars backing up onto Kane Street. Further, the reuse of an existing building is in harmony with the Plan of Conservation and Development (PoCD) action area Green400. The reuse of a building creates less waste and builds on existing assets.



Photo 2. Neighborhood Context – Hartford GIS 2018

The neighborhood context surrounding the subject property suggests that the immediate surroundings are automobile dependent and automobile oriented. When this context is considered, the appropriateness of an automobile-oriented use is increased. An examination of Photo 2 reveals significant parking and auto-oriented designed developments within a several hundred-foot radius of the property. Surrounding developments include a strip mall with significant front yard parking across Prospect Avenue, a construction company's office with a large outdoor storage yard to the east and north, and a gas station diagonally across the intersection of Kane and Prospect, as well as the two previously referenced drive-through restaurants. The subject property is also within relatively close proximity (~600 feet) to the off and on-ramps of Interstate 84. While the Regulations are clear in their intention to move the design of all development away from the current

auto-oriented style, the location of this property suggests that an auto-oriented use could be an appropriate transitory use if accompanied by pedestrian oriented design principles. The proposed design includes a pedestrian pathway to the street, the elimination of existing front yard parking and the installation of front yard landscaping. Further, the subject property was granted a variance to allow parking past the building line in 1984. The property owner has agreed to release this variance, voluntarily giving up the rights to parking beyond the building lines, in a good faith effort to produce a friendlier pedestrian design moving forward.

The proposed sign plan includes 5 wall signs, the reuse of two existing pylon signs, 1 projecting sign attached to the vehicle clearance bar structure and four directional signs. The drive-through facility also includes two digital menu boards. The Regulations allow for only 1 wall sign and the proposed directional signs are 4'10" high with ~2.75 square feet of sign area per face where the regulations only allow 3' in height and 2 square feet of sign area per face. Further, the existing pylon signs are nonconforming due to height and size. Section 1.5.5 does not allow for the replacement of nonconforming signs under these circumstances, nor does it allow for the installation of new signs while a nonconforming sign exists. The proposed menu boards are considered Dynamic Displays under section 8.12 of the Regulations and are not permitted in this District. Staff has included a condition of approval with their recommendation that the sign plan not be a part of this approval and require a separate review.

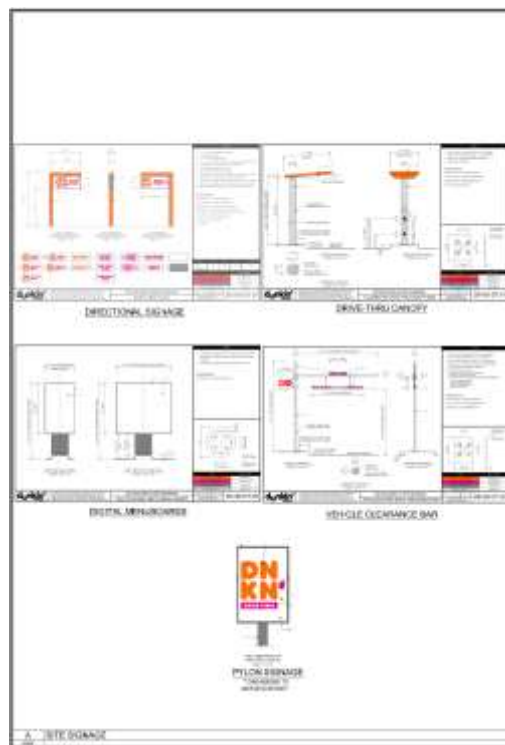


Figure 2. Site Signage – GR Engineering, LLC 2021

Not enough detail is provided on the landscape plan to confirm that street trees or canopy coverage has been provided to meet the requirements of the Regulations. This was a condition of approval for the April 6, 2021 variances. It is not clear from the plan whether the landscaping provided meets this condition. The condition is further complicated by the presence of overhead utilities along both the Kane Street and Prospect Avenue property lines. Staff recommends that the Commission add a



condition that the landscape plan be revised and approved by the City Forester prior to the issuance of building permits for the site.

The current design proposes the elimination of the existing primary entrance on the Kane Street façade. The Applicant states that the entrance is rendered unnecessary by the drive-through only nature of the proposed use and has designed only a rear entry for employees and deliveries. The Regulations require an entrance on the primary façade and the elimination of such is not permitted through the special permit process.

Staff finds that the proposed use when considered with the previously approved variances is consistent with the intent of the Zoning Regulations and recommends that the proposed special permit and site plan be approved by the Planning & Zoning Commission subject to the following conditions:

1. The Applicant shall sign a release voluntarily surrendering the rights conveyed to them regarding front yard parking by the 1984 variance consistent with the condition of approval for variances approved by the Zoning Board of Appeals on April 6<sup>th</sup>, 2021 under project P&Z-COMM-2021-0340. Such surrender shall be executed and recorded prior to the occupation of the subject property.
2. A revised landscape plan and material inventory shall be submitted for review and approval by the City Forester prior to the issuance of building permits for the site.
3. This approval does not include the signage plan.
4. An entrance be provided on the front façade of the building as required by the Zoning Regulations.

#### **STAFF RECOMMENDATION**

Staff recommends approval of this application.

**A draft resolution follows.**

#### **ATTACHMENTS**

1. Application
2. Site Plan
3. Elevation Drawings

**REVIEWED AND EDITED BY,**

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Aimee Chambers, Director



**CITY OF HARTFORD  
PLANNING & ZONING COMMISSION RESOLUTION  
200 PROSPECT AVENUE  
SPECIAL PERMIT FOR DRIVE-THROUGH USE**

- Whereas,** The City of Hartford Planning & Zoning Commission reviewed the application and attached documents regarding the request for a special permit and site plan approval for the establishment of a drive-through only restaurant and site renovations; and
- Whereas,** The subject property is corner lot at the intersection of Kane Street and Prospect Avenue and is assigned the MS-3 Zoning District; and
- Whereas,** The proposed drive-through use is within 300 feet of two parcels, each with an active accessory drive-through use on their respective premises; and
- Whereas,** The proposed drive-through facility's location on the Kane Street façade will allow for additional stacking generally and some parking in the rear yard; and
- Whereas,** The City of Hartford Zoning Board of Appeals on April 6<sup>th</sup>, 2021 approved variances from Section 3.5.2.A.(1) to allow a drive-through facility on a street facing façade and stacking lanes parallel to the street, and from Section 3.5.4.2.a(7) to allow an accessory drive-through use within 300 feet of other accessory drive through uses; and
- Whereas,** The character of the surrounding area is auto-oriented; and
- Whereas,** The drive-through use could allow for an economically feasible use while the area transitions to a less car dependent nature; and
- Whereas,** The variances would allow the reuse of an existing building reducing waste and allowing for additional investment in the neighborhood; and
- Whereas,** Pedestrian oriented design principles integrated into the site layout help offset the impact of the auto-oriented drive-through use; and

Now therefore Be It

- Resolved,** The City of Hartford Planning & Zoning Commission hereby finds that the proposed special permit for a drive-through use meets the requirements of Section 3.5.2.A regarding drive through uses and further find that the proposed site renovations meet the requirements of the Zoning Regulations under the following conditions:

5. The Applicant shall sign a release voluntarily surrendering the rights conveyed to them regarding front yard parking by the 1984 variance consistent with the condition of approval for variances approved by the Zoning Board of Appeals on April 6<sup>th</sup>, 2021 under project P&Z-COMM-2021-0340. Such surrender shall be executed and recorded prior to the occupation of the subject property.
6. Tree plantings shall be provided subject to the approval of the City Forester.
7. This approval shall not apply to any included signage. All signage shall be reviewed under separate cover by the Planning Division.
8. An entrance be provided on the front façade of the building as required by the Zoning Regulations.

Be It Further,

**Resolved,**      This 11<sup>th</sup> day of May, 2021.

## Attachment 1 – Application

# DDS- Planning & Zoning: Plan Review Application



Submission date: 5 February 2021, 1:11PM

Receipt number: 126

### Application Type

Check all that apply:

Site Plan Review

Special Permit

Variance

### Property Information

Property Address: 200 Prospect Ave, Hartford, CT 06106, USA [Map](#)  
(41.752142, -72.71458220000001)

Zoning District: MS-3

Parcel ID: 114-471-007

Property Owner: EDAH Realty, LLC

Address of Property Owner: 200 Prospect Avenue, Hartford, CT 06106

Email: michael.black@sixt.comm

### Applicant

Name of Applicant: Great American Donut, Inc. c/o Scott Fanning

File Date: 01/29/2021

Address: 100 E Main St, Plainville, CT 06062, USA [Map](#)  
(41.6727233, -72.86227889999999)

Phone:	860.558.8050
Email:	swfanning@aol.com

### Primary Point of Contact

Name:	Robert M. DeCrescenzo, Esq. Attorney for the Applicant
Phone:	860-331-6526
Email	bdecrescenzo@uks.com

### Project Narrative

Please describe your application action(s) and provide as much detail as possible. Attach additional pages if necessary:	Redevelopment of the property from its current use to a Dunkin Donuts location
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### Zoning Map Change Application

Proposed Zone:
Describe the existing use of land and buildings in the zone change area:
Reason for this request:

### Zoning Appeal Application

Are you an aggrieved party?
Permit or Violation Number:
State your reason for appealing the decision of the administrator or enforcement officer:



3. Is the sign luminated?

4. Engineer Name (if any):

Phone:

Address:

5. Minimum distance from lowest point to the sidewalk:

6. Maximum height of sign from lowest point of established grade:

7. Distance from the nearest outdoor sign:

8. Square feet of surface for one face of the sign:

9. Wording of the sign (include all words):

Description of work (upload additional files if necessary)

Upload any supporting materials below.

[200 PROSPECT 01-20-21.pdf](#)

## Signatures

Signature of Applicant



[Link to signature](#)

Printed Name of Applicant:

Great American Donut, Inc.

Date:

02/05/2021

Signature of Property Owner:



[Link to signature](#)

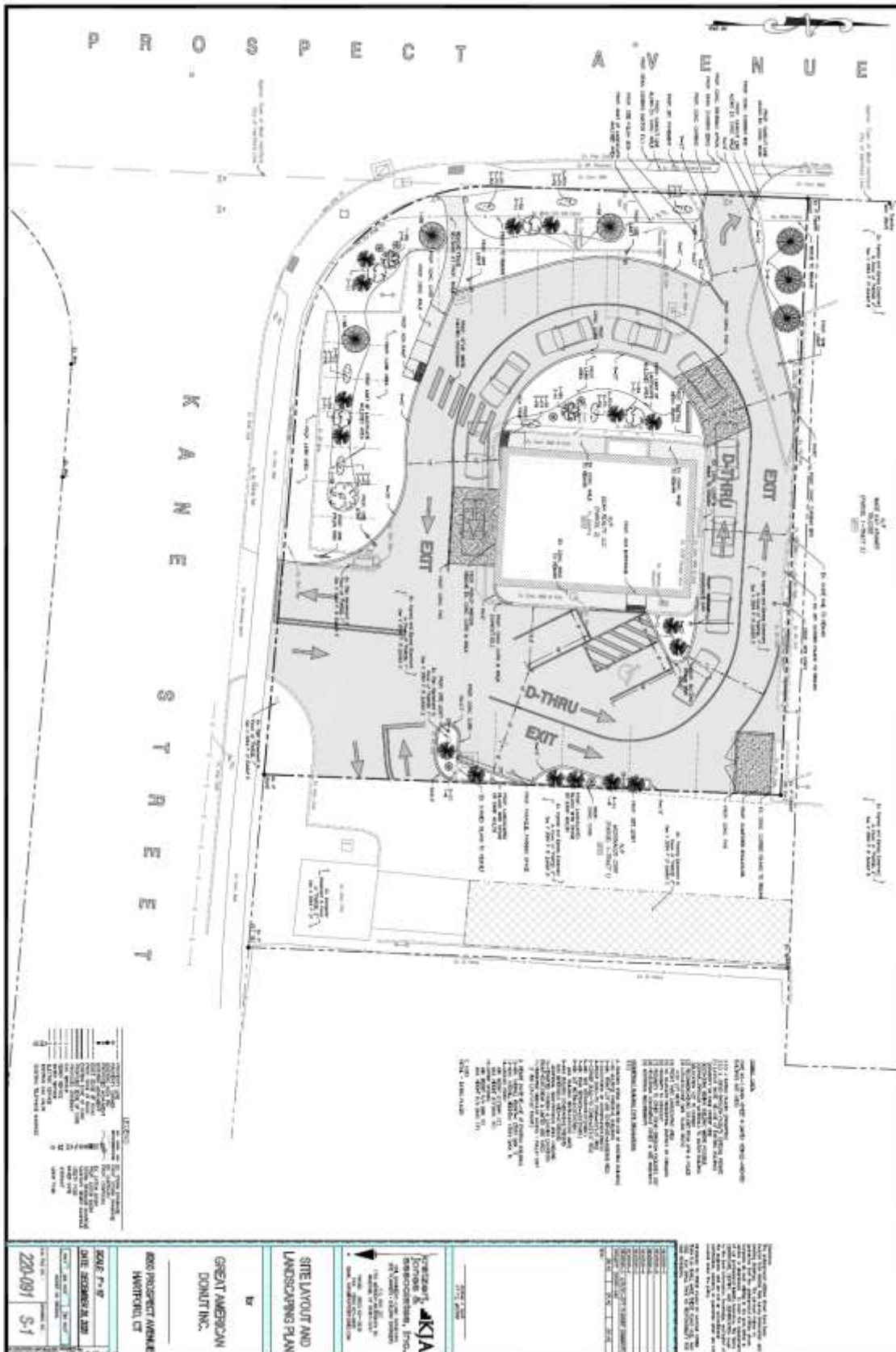
Printed Name of Property Owner:

EDAH Realty, LLC

Date:

02/05/2021

# Attachment 2 – Site Plan



# Attachment 3 – Elevation Drawings



# Attachment 4 – Sign Plan

