| Zoning Text Amendment | Proposed Text Amendments to amend Sections 6-100, 6-103.1 and 6-194 of the Town of Greenwich Building Zone Regulations to permit restaurant uses on the second floor in the CGBR zone |

**APPLICATION SUMMARY:**
The applicant is requesting a Zoning Text amendment per Section 6-22 of the Town’s Building Zone Regulations to amend Sections 6-100, 6-103.1 and 6-194 of the Town of Greenwich Building Zone Regulations to permit restaurant uses on the second floor in the CGBR zone.

**ISSUES/RECOMMENDATIONS:**
1. The applicant’s text amendment would affect property in the CGBR zone. Per Sec. 8-3a of the CT General Statutes, “In any municipality which has a combined planning and zoning commission operating under the general statutes or any special act, the commission shall state on the record its findings on consistency of a proposed zoning regulation or boundaries or changes thereof with the plan of development of the municipality.”
2. The Western Connecticut Council of Governments (WestCOG) has offered no comment.

**DEPARTMENT COMMENTS:**
- **ZEO**
- **WestCOG** – see attached

**PROPOSAL AND THE POCD:**
The purpose of the amendment is to allow public areas of restaurants on the ground and second floor of buildings in the CGBR Zone where currently second floor use by a restaurant is prohibited.

A few points staff would point out regarding the possible effects of this proposed amendment are the following:
- The proposed amendment would not amend the number of floors that can be used by Use Group 1 type uses in the CGBR Zone. Per Section 6-103.1(C) only two floors of a building can be used by Use Group 1 uses. This language would remain as it currently exists today. The subject proposal would only amend the floors at which a restaurant may operate, on the first and second floor and where the ground use is being operated, as a restaurant, by the one business operator, and served by one, central kitchen. Presently, public spaces area only permitted on the ground floor in the Zone.
- The proposed amendment would also not amend the parking and loading requirements of Division 15 and those Uses listed in Use Group 1 or Use Group 3 shall not be require to provide parking and loading spaces where the following conditions are met:
  - The lot shall have a rear building line as indicated by any map listed in the Schedule of Rear Building Lines at the end of these regulations; and
  - The total floor area of the building or buildings on said lot shall not exceed 15,000 square feet of floor area.
- Lastly, it seeks to make clear that the location of alcoholic establishments distributing alcohol under a Restaurant or Tavern Permit, not be limited to the ground floor in the CGBR Zone.
The CGBR Zone currently applies to approximately 172 parcels in Town. The CGBR Zone contains all the parcels that front onto Greenwich Avenue from East/West Putnam Ave. south to Railroad Ave./Bruce Park Ave. It also extends east to west, along East and West Putnam Avenue, from Milbank Ave to Benedict Place. As noted above, and as already limited in the regulations, Use Group 1 uses are only permitted to be on two floors of any building in the CGBR Zone. This amendment would create an exception for, “...public areas of a restaurant may be located on a second floor of a building in the CGBR Zone when: (1) public areas of a restaurant are present on both the ground and second floors of the building, and (2) said public areas of the restaurant are one business operation served by one, onsite, central kitchen. Assuming these conditions are satisfied, food and beverage preparation areas (e.g., coffee bar, service bar, sushi station, etc.) are also permitted within the public area(s) on both floors, in addition to the central kitchen.”

While dining on the second floor may already exist at certain locations in the CGBR Zone, staff notes that they are preexisting non-conforming conditions and would only be made conforming by this text amendment.

As noted by the Applicant Staff notes that the subject amendments appear to be consistent with the following goals of the 2019 POCD:

- In the Guiding Principles, maintain economic vitality and thriving commercial centers
- Objective 5.1.a - Reconsider uses allowed in retail zones to encourage the retail outlet (see);
- Objective 5.4 - Continue to strengthen the downtown as the central business district of Greenwich and to create vibrancy therein.

If the proposal is acceptable to the Commission, a finding must be made that the proposed amendment meets the goals of the POCD as well as the intents and purposes of the Town’s Zoning Regulations.

**APPLICABLE REGULATIONS:**
See Sections 6-22, 6-100, 6-103.1 and 6-194 of the BZR.
Section 8-3a of the CT General Statutes
Thank you for submitting the attached referral to WestCOG.

The opinion of WestCOG staff is that the proposal is of local interest and with minimal intermunicipal impact. Therefore, it is not being forwarded to adjacent municipalities and the regional staff is making no comment.

In accordance with C.G.S. Sec. 8-3b, the Town of Greenwich is forwarding a copy (attached) of the proposed text amendment to amend section 6-100 and 6-103.1 of the Town of Greenwich Building Zone Regulations. The applicant is proposing to allow public areas of a restaurant on a second floor in the CGBR zone only when the following conditions are met:

- The second-flood restaurant use is accompanied by ground level restaurant use;
- The two floors operate as one business (i.e. – same restaurant owner/operation); and
- The two floors are served by one (1) onsite, central kitchen.
The Greenwich Planning and Zoning Commission will hold a public hearing on the applications on a date, time, and place to be published on the Town of Greenwich website. You may appear and be heard at any hearing on this application. Any questions and/or comments on the application may also be addressed to this agency by telephone (203-622-7894) between the hours of 8:00 am to 4:00 pm weekdays, in person at Greenwich Town Hall between the hours of 8:00 and 3:30 pm Mondays, Tuesdays, Thursdays and Fridays or by email to the address provided below.

Please find the attached text amendment proposal.

This application is tentatively scheduled for a meeting in July. Please let me know if you have comments regarding these applications.

Thank you,

Bianca Dygert

Planner II

Town of Greenwich

Land Use - Planning & Zoning

101 Field Point Road

Greenwich, CT 06830-6463

Ph. (203) 622-7894

Office Fax. (203) 622-3795

Direct Fax. (203) 861-6113

Bianca.Dygert@greenwichct.org

“Town Hall is currently still operating under a State of Emergency. Starting October 13th, Town Hall will be open to the public 8 AM to 1 PM weekdays. Many Town Services can be conducted online and will continue to be. In the interest of public health and staff safety, if your request can be done over email, the internet, or phone, please continue to do so in those manners, in lieu of coming into Town Hall. Please follow the Town’s website (www.Greenwichct.gov) for the most up to date information.

For immediate assistance, during business hours (8 a.m. to 4 p.m. M-F), please email the Department via the Town’s website at: https://www.greenwichct.gov/FormCenter/Planning-
Zoning-11/Contact-Us-53; and select “Planning and Zoning” under the "select a category" tab to reach us. Again, Staff will be monitoring emails between 8 am - 4 pm weekdays.

If you are working with specific staff, please continue to call or email staff directly as they continue to be working remotely, on days they are not in the office.”

CAUTION: This email originated from outside the Town email system. Do not click links or open attachments unless you have verified the sender and know the content is safe.
May 7, 2021

VIA E-MAIL & FED EX DELIVERY
Mr. Peter Mangs, Applications Coordinator
Planning and Zoning Department
Town of Greenwich 101
Field Point Road
Greenwich, CT 06830
Peter.Mangs@greenwichct.org

RE: Amendment to Building Zone Regulation: 6-100

Dear Mr. Mangs:

On behalf of THURLES, LLC, (the “Applicant”), please find enclosed the following submittal for an application for Amendment to Section 6-100 of the Building Zoning Regulations:

1. Application form signed by property owner and the authorized agent.
2. Check # 315682 for the required fee of $1150.00.
3. Narrative providing justification for this amendment.
4. Exhibit 1. Proposed language for zoning text amendment.

If you have any questions about this application or require additional information, please do not hesitate to contact me.

Sincerely,

Jacqueline O. Kaufman
Jkaufman@carmodylaw.com

Enclosure
Site Plan Application

Property Address: Amendment to Building Zone Regulations
Tax ID: n/a

Property Owner: n/a
Address: n/a

Email: n/a
Cell Phone: n/a
Other Phone: n/a

Applicant: THURLES LLC
Address: 23 Spring Street, Riverside CT 06878

Email: jacqueline.o.kaufman@carmodylaw.com
Cell Phone: 203-252-2665
Other Phone: n/a

Authorized Agent: Jacqueline O. Kaufman
Carmody Law
Address: 707 Summer St Stamford, CT 06901

Select One: Pre-Application □ Final □
Zone(s): CGBR
Lot Area: n/a

Please select all relevant items below:

☐ Special Permit – Complete special permit application form
☐ Coastal Overlay Zone
☐ Property is within 500 feet of a Municipal Boundary of (for notification)

☑ Amendment to Building Zone Regulations – Section(s) 6-100 & 6-103.1
☐ Amendment to Building Zone Map – Zone(s) affected

☐ Health Department review needed
☐ Sewer Department review needed
☐ Architectural Review Committee Application attached or Review needed
☐ Planning & Zoning Board of Appeals review needed
☐ Inland Wetlands and Watercourses Agency Review / Approval Required
☐ Scenic Road Designation

To be completed by P&Z staff only:
Check # __________________ Check Amount: $________

Application # ____________________

pzSitePlanApp 2020
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☑ Text Amendment
Application Signature Page

Property Address: n/a  Text Amendment  Tax ID: n/a

Property Owner 1:  
Address: 
Email:  
Cell Phone:  
Other Phone:  
Signature:  
Date: 

Property Owner 2:  
Address: 
Email:  
Cell Phone:  
Other Phone:  
Signature:  
Date: 

Property Owner 3:  
Address: 
Email:  
Cell Phone:  
Other Phone:  
Signature:  
Date: 

Property Owner 4:  
Address: 
Email:  
Cell Phone:  
Other Phone:  
Signature:  
Date: 

Applicant: THURLES LLC  
Address: 23 Spring Street, Riverside, CT 06878
Email: lewiscl@me.com  
Cell Phone: 203-979-0182  
Other Phone:  
Signature:  
Date: 4/22/2021

Authorized Agent: Jacqueline O. Kaufman  
Carmody Law  
Address: 707 Summer St, Stamford CT 06901
Email: jkaufman@carmodylaw.com  
Cell Phone: 203-252-2665  
Other Phone: n/a 
Signature:  
Date: 10/30/21
TOWN OF GREENWICH
Town Hall ~ 101 Field Point Road ~ Greenwich, CT 06830
Planning & Zoning Department ~ 203-622-7894 ~ Fax 203-622-3795

Site Plan Review Checklist

Property Address: n/a  Tax ID: n/a

Anticipated Type of Application: Text Amendment

All applications for preliminary and final site plan approval shall be made on the appropriate forms as provided by the Planning Staff. The following items must also be provided with the application. If any of the following items are not filed at the time of application, the application may be returned to the applicant in order that it may be filed in the entirety at an appropriate future date. Required Items: (Sec. 6-14)

Please check the items submitted below:

N/A 1. Fifteen copies of a survey, folded to 9" x 12", showing existing conditions, including:

   a. Locations and dimensions of all existing buildings, structures, fences, retaining walls, utility facilities, trees of six (6) inches or more in diameter at breast height, and other similar features.

   b. Existing contours at no more than a two-foot vertical interval, unless waived by the commission Staff in circumstances where such contours may not be necessarily pertinent. The survey shall indicate topographic conditions of property immediately adjoining the subject parcel.

   c. The location of all existing watercourses, intermittent streams wetlands as required by WWFA, Flood Hazard Lines as determined by FEMA, springs and rock outcrops or a note indicating that none exist, with the sources of information listed.

   d. The zone in which the land to be developed falls and the location of any town and zone boundary lines within or adjoining the tract, and yard dimensions to existing buildings. Lot area, by zone, shall be indicated.

   e. The title of the development, date, revision date if any and nature of revision, north arrow, scale, and the name and address of owner and names of owners of adjacent land.

   f. Street and property lines, curbs, edges of pavement, sidewalks, easements, right-of-way, covenants, and deed restrictions.

   g. Traffic lights and controls, public trees, catch basins, hydrants, and power and telephone lines in adjacent streets.

   h. Certification with the signature and seal or registration number of a registered land surveyor licensed in the State of Connecticut that the drawing is substantially correct to A-2 Standards, and that the property is in a designated zone under the zoning regulations.

N/A 2. Fifteen sets of a detailed Site development plan, at a readable scale, folded to 9" x 12", prepared in accordance with all applicable Town standards including the Roadway Design and Drainage Design Manuals, and signed by a professional architect, land surveyor, or engineer licensed in the State of Connecticut, showing:

   a. Location, dimension, and elevation of all proposed buildings, structures, walls, fences.

   b. Location dimensions and surface treatment of all existing and proposed parking and loading spaces, traffic access and circulation drives, and pedestrian walks. Sidewalks are to be provided as required by the Building Zone Regulations.

   c. Approximate location of proposed utility lines, including water, gas, electricity, sewer and the location of any transformers.

   d. Note specifying source of water supply and method of sewage disposal.

   e. Existing and proposed contours at units of no more than a two-foot interval unless waived by the Commission's staff. Cuts and fills and estimates of blasting to be submitted at time of final site plan.

   f. Location, size and type of proposed landscaping and buffer planting and the designation of those areas of natural vegetation not to be disturbed.

   g. Any other similar information determined by the Commission staff to provide for the proper enforcement of the Building Zone Regulations.

   h. Zoning statistics including: Gross Floor Area, Floor Area Ratio, Usable Floor Area, Required Parking, Actual Parking

pzSitePlanChecklist 2020
Provided, Building Height, Building Footprint, and Area Devoted to Surface parking, Building and Drives.

☐ 1. Provisions for compliance with Americans with Disabilities Act (Handicap Access) and State Building Code.

☐ 2. Coastal Area Management Application for projects within the Coastal Overlay Zone.

N/A 3. Eight sets of architectural plans, signed and sealed by an architect registered in the State of Connecticut, of all floors, all exterior elevations showing existing and proposed grade conditions. Elevations are to detail architectural elements by labeling materials, color and dimensions. Each architectural elevation shall show the absolute building height as well as building height for zoning purposes. All HVAC facilities are to be shown on architectural elevations.

N/A 4. Three copies of Floor Plan Work Sheets with the dimensions and calculated floor areas for each floor prepared in accordance with Sec. 6-5(22). Consult Commission Staff for required format.

N/A 5. Three copies of "building coverage" computation sheets.

N/A 6. Three copies of "area devoted to surface parking, building, and drives" worksheets.

N/A 7. Five copies of sight distance certification reports when required by a preliminary site plan review or when advised by the commission staff pursuant to item 2(g) of this checklist.

N/A 8. Three copies of Volume calculations per 6-101.

N/A 9. Completed Traffic Impact Evaluation Form if applicable. Submission requirements are defined on the form, available at the Commission office. A traffic report may be required.

☐ 10. Ten copies of completed application form signed by applicant or authorized agent, owners and contract purchasers, as applicable.

N/A 11. Ten copies of completed Special Permit form, if required by Building Zone Regulations.

N/A 12. Fifteen copies of detailed, inclusive narrative description of the proposed project. For those projects involving amendments to the Building Zone Regulations and/or amendments to the Building Zone Regulation Map, the narrative description must provide the section number and text for the proposed amendments(s) to the BZR and an explanation providing justification for the proposal. For map changes, a scaled drawing at 1" to 400' needs to be provided for affected areas(s).

N/A 13. Eight copies of reductions in, 11 x 17 size, or other appropriate size, providing a readable, clear plan of proposed site development and architectural plans.

N/A 14. A showing that an adequate source of potable water is available to satisfy the needs of the proposed development as per Sec. 6-15(a) (5), signed by C.A.W.C.

N/A 15. An affidavit certifying that all abutting property owners have been notified, as evidenced by the submission of a certificate of mailing or certified or registered mail receipts about said application. A schedule of names, addresses, shown on a GIS map with lot lines indicating the location of the notified property owners. Owners of lots, or portions of lots, which are across a public or private street shall be deemed to be abutting property owners. For projects which require the preliminary review by the Conservation Commission, the notice shall be sent by the applicant to abutting owners two weeks prior to any scheduled hearing date of the Conservation Commission.

☐ 16. Authorization for the agent and contract purchasers to act on behalf of the certified property owner(s).

N/A 17. A separate schematic plan at a scale no larger than 1"=100' indicating buildings, parking and drives on the site and all adjoining properties, including those across the street, and the nearest cross street.

N/A 18. Five copies of a Drainage Summary Report as per Department of Public Works and the Town Drainage Design Manual. The summary report must be prepared in accordance with the following formats: PRELIMINARY: Existing and proposed storm water distribution, existing and proposed runoff rates, capability of off-site drainage facilities to accommodate proposed runoff, capability of off-site soils to accommodate percolation or detention if proposed, and identification of proposed drainage structures. FINAL: Final structure design details, prior approval from IWMA, Engineering Division and Conservation Commission as appropriate, and all information required by the preliminary report or two copies of drainage exemption forms.

N/A 19. In accordance with Sec. 6-183.1 to 6-183.10 of the Building Zone regulations, tree protection and sedimentation and erosion control plans shall be submitted with all site plan applications.

N/A 20. All applications for final site plans shall be in the form of a survey prepared by a registered Connecticut land surveyor having metes and bounds, dimensions of all buildings, parking and drives, setbacks of all structures from property lines, setbacks between buildings, and certification that building dimensions shown thereon are the same as the approved architectural plans Architectural and drainage plans are to be references by title, date(a) and sheet numbers.

☐ 21. Required fee submitted at time of application (see fee schedule).

☐ 22. "It is the belief of the PZC staff that this application is incomplete because of the failure of the applicant to provide the materials"
referred to above. This application will be reviewed by the PZC and a decision made as to whether it is complete or incomplete at its public meeting to be held in the PZC office."

All applicants must make an appointment to submit this application with the Applications Coordinator, Peter Mangs, who can be reached by (email) Peter.Mangs@greenwichct.org or (phone) 203-622-7894.

NOTE: Any new documentation presented at Planning and Zoning Meetings shall be submitted to staff so that they can be made part of the record. Please ensure all documents can easily be removed from presentation boards.
June 8, 2021

VIA E-MAIL & FED EX DELIVERY
Mr. Peter Mangs, Applications Coordinator
Planning and Zoning Department
Town of Greenwich
101 Field Point Road
Greenwich, CT 06830
Peter.Mangs@greenwichct.org

RE: Amendment to Building Zone Regulations: §6-100, §6-103.1(B), and §6-194(a)(1).
PLPZ 2021 00238

Dear Mr. Mangs:

On behalf of THURLES, LLC, (the “Applicant”), enclosed please find the following revision to our submittal for an application for Amendment to the Building Zoning Regulations by adding modified language to §6-194:


If you have any questions about this application or require additional information, please do not hesitate to contact me.

Sincerely,

Jacqueline O. Kaufman

Enclosure
cc: Katie Deluca
    Patrick LaRow
Exhibit 1. Proposed Text (revised 06/08/2021, see §6-194 (a)(1))

Zoning Text Amendment submitted pursuant to Section 6-22 of the Town of Greenwich Building Zone Regulations, and Section 8-3 of the Connecticut General Statutes, to amend Section 6-100. (NOTE: Text in bold and underlined, to be added. Text in strikethrough, to be deleted.)

SUBDIVISION 3. BUSINESS ZONES.

Sec. 6-100. USE GROUPS FOR BUSINESS ZONES.

In order to carry out the purposes and provisions of these regulations, the uses of all non-residential buildings and structures have been classified into Use Groups. Any use not specifically listed in the following Use Groups shall be prohibited, unless allowed under Use Group 5A by Special Exception. (9/15/86) (10/17/18)

USE GROUP 1 (9/28/2010)

Restaurants, other than drive-ins, including expansion by new construction, alteration or conversion, when authorized by Special Permit pursuant to Sec. 6-17 of these Regulations and subject to the provisions of Sec. 6-194. No special permit is necessary for properties between the front and rear building lines. (6/17/83) Public areas of a restaurant in the CGBR zone are restricted to the ground floor of the building; except that public areas of a restaurant may be located on a second floor of a building in the CGBR Zone when: (1) public areas of a restaurant are present on both the ground and second floors of the building, and (2) said public areas of the restaurant are one business operation served by one, onsite, central kitchen. Assuming these conditions are satisfied, food and beverage preparation areas (e.g., coffee bar, service bar, sushi station, etc.) are also permitted within the public area(s) on both floors, in addition to the central kitchen (11/17/97; 9/28/2010; --).

Sec. 6-103.1 USE REGULATIONS AND SPECIAL REQUIREMENTS FOR CGBR ZONE (9/15/86; 9/28/2010)

(B) Ground Floor Uses.

Except for access to and egress from upper floor permitted uses, uses on the ground floor shall be limited to uses listed in Use Group 1 except for banks and financial services, (including drive up and drive thru) and sales agencies of real estate, employment insurance or travel firms which are not permitted on the first floor of the CGBR zone. These uses are only allowed on the upper floors if parking is provided on site since these uses are considered office uses and not retail uses. ATM machines and bank entrances to the 2nd floor are not considered financial services and may be located on the first floor in the CGBR zone. Recreational facilities, fitness clubs, gyms and group fitness centers are not permitted on the first floor of the CGBR zone and only in the

(§7297159)
Basement and on the upper floors if, in either case, adequate parking is provided on site per Section 6-158 of the BZR. Other Use Group 1 uses shall occupy not less than 75% of the floor area of the largest floor of the building. For the purposes of this provision, the ground floor shall be considered a floor within 18 inches of mean curb elevation; if no floor occurs within this elevation, the Zoning Enforcement Officer shall determine which floor of the building shall be treated as the ground floor. Public areas of a restaurant in the CGBR zone are restricted to the ground floor only, but the (basement or second floor)—may be used for food preparation and accessory non-public restaurant uses, unless the Restaurant meets the qualifying criteria set forth in Sec. 6-100 (Use Group 1, Restaurants), in which case public areas of a restaurant in the CGBR Zone may be permitted on the ground and second floors. For the purposes of this section, a floor shall be considered the ground floor if it is located within 18” above or below mean curb elevation. {4/14/2010; 9/28/2010, 9/20/2013; 9/19/2017; ---}.

Sec. 6-194. LOCATION OF ALCOHOLIC ESTABLISHMENTS

(a) Establishments selling or distributing alcohol under all permit types defined by the Liquor Control Act are restricted as follows:

(1) Public areas of an establishment distributing alcohol under a Restaurant or Tavern Permit in the CGBR and CGIO zones are restricted to the ground floor of the building; unless otherwise expressly permitted by these Regulations (See Sec. 6-103.1 (B) and Sec. 6-100, Use Group 1). (---).

(2) Café permits are permitted for theatre and cinema uses only. Any theatre or cinema which operates in the Town of Greenwich with a café permit shall provide typical theatre/cinema concessions, hot meals, and have an adequate and sanitary kitchen. All other café permits are prohibited in every zone.

(3) Club Permits are permitted for Non-Profit Clubs only; all other Club Permits are prohibited.

(4) Package Store Permits are regulated through the Department of Consumer Protection.
NARRATIVE

ANALYSIS OF PROPOSED TEXT AMENDMENT

The proposed text changes to the Greenwich Building Zone Regulations (the “Regulations”\(^1\)) is submitted on behalf of THURLES LLC (the “Applicant”), owner of 265 Greenwich Avenue (the “Property”) and propose to permit conditional second floor restaurant use in the Central Greenwich Business-Retail (“CGBR”) Zone.

I. Statement of Purpose

The proposed text changes will allow for public areas of a Restaurant on a second floor in the CGBR zone only when the following conditions are met:

- The second-floor restaurant use is accompanied by ground level restaurant use;
- The two floors operate as one business (i.e. – same restaurant owner/operation); and
- The two floors are served by one (1), onsite, central kitchen.

The purpose of this text change is to provide economic development opportunity in the CGBR Zone. One of the six guiding principles of the 2019 Plan of Conservation and Development is to maintain the Town’s commercial centers such as Greenwich Avenue. Dual-story Restaurant uses will serve the community well, provide day to evening activity and keep this Zone vibrant. The proposed Regulation change will also make existing, non-conforming, two-story restaurants in the CGBR Zone conforming uses.

The Regulations state the Purpose of the CGBR Zone is to maintain a ground floor that is a compilation of “compatible retail uses”\(^1\), and to do this one must avoid, “a break in storefront continuity”\(^2\). The Regulations recognize that the ground floor uses should be “dependent on pedestrian traffic and storefront exposure”\(^3\). The current mix of retail and restaurant uses (Use Group 1\(^4\)) on the ground floor have provided a vibrant and active streetscape. The introduction of second floor uses will only enhance this experience.

Permitted uses on the second floor of buildings in the CGBR Zone are more varied than the first floor. The Regulations permit residential use (Use Group 3), office use (Use Group 2a, 2b) and varied commercial uses, such as banks, real estate and travel agency uses, retail uses, and personal service uses (Use Group 1)\(^5\). Public areas of Restaurants, however, (such as dining rooms, social rooms, bars, or private dining areas) are expressly prohibited on the second floor in the CGBR Zone\(^6\). Of all the permitted uses in the CGBR Zone (Use Group 1, 2a, 2b, 3), “Restaurant” use, is one of only a few uses that is excluded from the second floor in the CGBR Zone.

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1 Town of Greenwich Building Zone Regulations dated 8/14/2019 (§6-103.1)
2 Id.
3 Id.
4 Id. at §6-100
5 Id. at §6-103.1(C)
6 Id. at §6-103.1(B)
II. **History of the Existing Regulation**

The existing prohibition against public areas of restaurants being located on the second floor was adopted in 1995 [Sec.6-100; 6-103.1]. Prior to that, there was no restriction on the location of public areas of a Restaurant in the CGBR Zone. We did not locate any staff reports or minutes that disclose the intent of the 1995 Regulation change. The Regulation has not been amended with respect to Restaurant use location in the CGBR Zone since 1995.

II. **Compatibility with the Building Zone Regulations and Town Plan of Conservation and Development**

A. **Compatibility of the Building Zone Regulations:**

The Purpose of the CGBR Zone is stated in Section 103.1 of the Regulations:

*In addition to the purposes stated in Sec. 6-102, the goal of the Central Greenwich Business-Retail Zone is to serve as the prime retail and service area of the Town by accommodating shopping and business needs in a greater variety and concentration than the neighborhood and local business zones. The CGBR zone serves several functions: it provides convenience goods and services to all residential areas of the Town, both the outlying sections and the close-in more densely built neighborhoods; it provides comparison shopping goods and services on a generalized or specialized basis to the town-wide and sub-regional market area; and it provides office uses to complement and support the business uses. The emphasis of the CGBR zone is upon protection of ground floor space for compatible retail uses, and avoidance of a break in storefront continuity. Consequently, businesses in the zone are generally dependent upon pedestrian traffic and storefront exposure. In addition to retail uses, a wide variety of services and community functions is included to suit the broad and longer-term needs of residents and customers. An important goal of the CGBR zone is to provide for housing to meet the diverse needs of the Town’s residents, as well as to provide a night-time presence and a daytime market that supports and strengthens the business community.*

The proposed text amendment is consistent with the goals of the CGBR zone in that the proposed text will enable property owners to:

- maintain the ground floor space for commercial (Restaurant) use and maintain activated storefront continuity on Greenwich Avenue by increasing activity that can be accomplished on the second floor;
- meet the goal of the zone which encourages “a wide variety of service and community functions...to suit the broad and longer term needs of residents and customers;” and
- maintain a daytime and evening presence on the ground and second levels of buildings, which will further support and strengthen the existing business community.
B. Compatibility with the 2019 POCD

The proposal is consistent with several goals stated in the 2019 POCD. The POCD encourages the Town to:

- Maintain economic vitality and thriving commercial centers (see Guiding Principal, p. 31);
- Adapt to market changes and ensure community centers remain viable and successful (see p. 89);
- Reconsider uses allowed in retail zones to encourage the retail outlet (see Objective 5.1.a);
- Continue to strengthen the downtown as the central business district of Greenwich and to create vibrancy therein (see Objective 5.4).

Attachments:
Exhibit 1: Proposed Text
Exhibit 2: Map of CGBR Zone
Exhibit 2. Properties in the CGBR Zone.
Dear Patrick:

The attached article provides interesting context and supports enhancing dining experiences in southwest CT downtowns to bolster the retail environment. Kindly add it to the file and record for the Commission’s consideration.

https://apnews.com/article/d0f46dd3daf5440e875642cc8d8b9433

Thank you.

Best,

Jackie

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CAUTION: This email originated from outside the Town email system. Do not click links or open attachments unless you have verified the sender and know the content is safe.
Property Rounds: Restaurants could help resolve retail woes

Macaela J. Bennett  November 8, 2017

E-commerce giant Amazon can ship a lot of things to shoppers' doorsteps. A top-notch dinner and drinks with friends is not among them.

“Amazon still hasn’t figured out how to deliver you a martini and fine steak,” commercial real estate broker James Ritman of Newmark Knight Frank told Hearst Connecticut Media in a July interview.

That fact has some analysts in southwestern Connecticut suggesting local downtowns could benefit from galvanizing their culinary scenes. Because the convenience of e-commerce hasn't replaced the demand for dining experiences, a vibrant restaurant atmosphere could improve foot traffic needed to bolster retailers.
Community and hopefully this will trickle to the retail shops,” Greenwich Avenue property owner Alyssa Keleshian Bonomo said. “Restaurants are always a welcome addition to our towns, creating more resident engagement in the downtowns.”

Such efforts in some parts of the region have already validated the philosophy, according to Paul Pugliese, who runs Greenwich Land Co. He pointed to local regulatory changes by Fairfield and Westport that prompted more restaurants to open, which invigorated their downtowns, Pugliese said.

Both municipalities relaxed regulations that demanded certain distances between establishments permitted to sell liquor. Without the revenue from serving alcoholic drinks, many restaurants can’t afford the rent of downtown storefronts. “That pretty severely limits where restaurants can go and keeps competition down,” he said.

Westport eliminated its 1,500-foot requirement between bars in 2010 and it “benefited greatly,” Pugliese said.

According to news reports at the time, diners opting for communities with more culinary options, such as Norwalk and Fairfield, played a part in Westport’s rule change.

Looking for a ‘healthy mix’

Norwalk's downtown has filled up with so many restaurants that it has one of the highest concentrations of eateries when compared to southwestern Connecticut’s other high-end town centers, per a 2016 informal Hearst Connecticut Media survey.

With the saturated restaurant market in South Norwalk, the city's head of economic development Liz Stocker has expressed her hope that places like...
Despite Danbury's current array of dining options, its downtown area could benefit from more offerings, according to P.J. Prunty, director of CityCenter Danbury.

An Irish pub and Italian steakhouse would be welcome additions, he said, as well as another sports bar to pair with Billy Bean's.

“There are things we currently don’t have in downtown but see as viable options,” Prunty said. “Business operators are aware of the potential for cannibalism, but a healthy mix (of restaurants) is important for a thriving downtown. We have a diverse mix, but there’s also room for improvement.”

There’s already been a response to the opportunity for Danbury to support another coffee shop since Naugatuck Valley Community College recently opened a new second-floor campus downtown. Barrister’s Coffee House is under construction on the first floor of
Wedged between Stamford and Port Chester, which both typically attract younger crowds, Greenwich enforces distance requirements between bars on Greenwich Avenue. The Planning & Zoning Commission eased the rule in other commercial districts around town last year, but several regulations work to limit more restaurants from opening along the shopping corridor, according to Pugliese, owner of Greenwich Land Co.

“When retail nationwide is suffering a little bit,” he said, “I think the town needs to maybe take the extra step to attract restaurants and make it easier for them to come here.”

According to Patrick McMahon, president of Connecticut’s Main Street Center, restaurants play several important roles in communities, and a variety of downtowns have thrived by encouraging their growth.

“In our crazy digitized age when everyone is online and in front of their computers all day, the restaurants provide that opportunity to connect on a human level,” McMahon said. “It fills a really important part of the social fabric of communities.”

In addition, many restaurants are owned by local business people who “recycle the money in that community or at least in the state,” he said. “That’s really critical.”

Chris Bosak, Paul Schott and Alexander Soule contributed to this article.

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