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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: January 18, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Mildred McMullen, Applicant
Alex DiPietro, Agent
Barney S. Heath, Director of Planning and Development
Jonah temple, Assistant City Solicitor

RE: Request to allow a drive-in business and associated parking waivers and to allow a free-standing sign

Applicant: Mildred McMullen	
Site: 940 Boylston Street	SBL: 51026 0003
Zoning: BU2	Lot Area: 12,060 square feet
Current use: Restaurant	Proposed use: Drive-in business

BACKGROUND:

The property at 940 Boylston Street consists of 12,060 square feet improved with a restaurant constructed in 1958. The petitioner proposes to remove a portion of the building and reconfigure the existing parking area to allow for construction of a drive in, requiring a special permit.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Alex DiPietro, Agent, submitted 3/24/2021
- Existing Conditions Site Survey, signed and stamped by Bruce Bradford, surveyor, dated 12/20/2021
- Proposed Conditions Site Survey, prepared by Pare Corporation, dated 3/24/2021
- Elevations, prepared by Aharonian & Associates, architect, dated 10/14/2020
- FAR worksheet, submitted 3/24/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to raze a portion of the building currently operating as a restaurant to allow for construction of a drive-in window. Per section 6.4.11, a drive-in business is a retail use in which all or part of the business is conducted by a customer from within a motor vehicle, including drive-in food establishments. Per sections 4.4.1 and 6.4.11, a special permit is required to allow a drive-in business in the Business 2 zoning district.
2. The restaurant is currently 2,040 square feet. A portion of the building is being removed to accommodate the drive-in, resulting in a 1,625 square foot retail space and drive-in window. Per section 5.1.4, a drive-in establishment requires one parking stall per every 600 square feet, resulting in a parking requirement of three stalls. The petitioner proposes to reconfigure the parking area, eliminating stalls to accommodate the queuing lane for the drive-in. The reconfiguration results in nine parking stalls with a queuing lane for twelve vehicles. No waiver is required.
3. Per section 5.1.9.A, outdoor parking facilities containing more than five stalls are required to provide perimeter screening from abutting properties. No perimeter landscaping or fencing is indicated on the proposed site plan, requiring a waiver per section 5.1.13.
4. Section 5.1.10.A requires outdoor parking facilities used at night provide lighting with a minimum intensity of one-foot candle on the entire surface and that the lighting does not spill onto neighboring properties. No lighting is indicated on the proposed site plan, requiring a waiver per section 5.1.13.
5. The parcel has an existing free-standing sign along the Boylston Street frontage which predates the special permit requirement but received a variance in 1978 to exceed size limits. Additionally, a 1983 building permit was granted for the existing wall sign. The petitioner is now proposing an order board located between the building and the drive through aisle. As the board will advertise items available for sale and their prices, as well as providing the opportunity to place an order, it is considered a free-standing sign per section 5.2.3. Per this same section, a free-standing sign is considered the principal sign of the property and only one is allowed. Section 5.2.13.A allows the City Council to grant a special permit to allow free-standing signs and to grant exceptions to the limitations on the number, size, location and height of signs. The petitioner requires a special permit per section 5.2.13.A to allow for two free-standing signs on the property.
6. The free-standing menu board will consist of two panels attached to a central pole with a protective awning. The pole measures 9 feet in height with a 12 square foot panel on each side (2.5 feet wide by 4.9 feet high). There is a total of 24 square feet of advertising between the two panel faces. Section 5.2.3 defines the sign area as the extreme limits of the advertising messaging, excluding supports or uprights on which the sign is placed. Section 5.2.13.B allows for up to 35 square feet of advertising space for a free-standing sign. As such, no additional relief is required for the 24 square feet of advertising space.

Zoning Relief Required

<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§4.4.1 §6.4.11	Request to allow a drive-in establishment	S.P. per §7.3.3
§5.1.9.A §5.1.13	Request to waive the perimeter screening requirements	S.P. per §7.3.3
§5.10.A §5.1.13	Request to waive the outdoor lighting requirements	S.P. per §7.3.3
§5.2.3 §5.2.13.A	Request to allow two free-standing signs (two principal signs)	S. P. per §7.3.3