

May 18, 2016

Heidi Samokar
Director of Planning
Planning & Zoning Commission
21 Tolland Green
Tolland, CT 06084

ATTN: Planning & Zoning Commission

Dear Ms. Samokar & Commission Members:

Thank you for your continued consideration of our text change application. After listening to input from the community, Planning Board, Design Advisory Board and reviewing our currently proposed development concept we have made a number of revisions to our proposed zoning text amendments. Those revisions are attached to this document. A brief summary of our proposed changes are as follows:

- We have eliminated proposed area increase for architectural roof elements
- We have revised the requested increase in building height from 5 stories to 4 in accordance with the DAB recommendations. We have also have reduced the dimensional height requirements in accordance with their recommendations from 68' to 52' for multifamily residential buildings. We do think that 52' is tight for mixed use buildings due to ceiling and mechanical space requirements on the first floor and so are requesting that height be reduced from 68' to 56' instead.
- The requested increase in building length has been reduced from 300' to 240' in accordance the DAB's recommendations for both mixed use and multifamily buildings. We have also added their 6' building façade offset requirement at 200'.
- The requested change in distance measurement methodology between Adult establishments and Hotels has been eliminated.
- All requested changes related to drive through's have been eliminated.
- We have eliminated requested changes in the setback distance, but have revised the section to refer to existing roadways.

If you have any questions or comments, please do not hesitate to contact us. We are looking forward to our next meeting so that we can discuss these in more detail.

Sincerely,

Mark De Pecol

Mark De Pecol
Principal

Section 3-8. Height and Density Restrictions.

- A. In all zones, except as noted in this section or elsewhere in these regulations, maximum principal building height (as defined in Sections 2-2) shall be thirty five (35') feet or forty (40') to ridge, whichever is more restrictive. The following exceptions apply:
1. In the Tolland Business Park:
 - a. Maximum principal building height (as defined in Section 2-2) shall be forty-five (45') feet or fifty (50') feet to ridge, whichever is more restrictive.
 - b. The Commission may grant a Special Permit for an air supported building up to 80' in height after considering visibility and impact from properties not in the Tolland Business Park including topography and elevation of the building site and vegetative buffering.
 2. The applicant may request and the Commission may grant a height up to 55' in the Gateway Design District by four votes depending on the building design, site plan and topography of the site.
 3. In the Tolland Village Area: see height exceptions in Article VII.
- B. No building or structure shall be erected, enlarged, reconstructed or structurally altered to exceed the height limit and density provisions herein established for the zone in which the building or structure shall be located, except as follows:
1. ~~that penthouses~~ Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building and fire or parapet walls, skylights, towers, domes, bulkheads, individual domestic radio and television antennae, church steeples, spires, belfries, cupolas, stage lofts and screens may be erected above the height limits herein prescribed provided that no such roof structure shall be erected to exceed by more than fifteen (15) feet the height limits of the zone in which it is located, nor shall such roof structure have a total area greater than ten percent (10%) of the horizontal roof area of the building or structure on which it is located, nor shall such roof structure be used for any purpose other than a use incidental to the principal use of the building or structure on which it is located. The allowable roof area should be broken up in several sections, aesthetically pleasing and may be approved by the commission if in its judgement are effectively articulated.
 2. Flagpoles, chimneys, smokestacks, water tanks or similar structures may be erected above the height limits herein prescribed. Structures used for the storage or protection of agricultural crops may not exceed forty (40) feet in any zone. The Commission may allow agricultural structures to exceed this height limit, in any zone, by Special Permit.

Section 7-9. Standards for Area Development Plans.

The purpose of an Area Development Plan is for the applicant to present a conceptual plan for the development of the site and to determine whether the proposed uses and layout conform to the Plan of Conservation and Development and to applicable requirements in these regulations.

- A. In addition to standards contained in the Tolland Zoning Regulations which are not in conflict with the specific standards and review criteria set forth in this Section, all Area Development Plans must meet the following standards:
1. Open space shall be provided in Residential and Mixed Use areas:
 - a. In Mixed Use areas, preferred types of open space include pocket parks, greens, gardens or small vegetated areas, public plazas or other outdoor public gathering areas. Open space shall also be designed to accommodate LID stormwater treatment systems.
 - b. In residential areas, preferred types of open space include parks and playgrounds intended to serve the residents of the neighborhood, greens, community gardens, and walking trails.
 - c. For privately owned open space, provisions shall be made for the maintenance and upkeep of such open space and amenities.
 2. At a minimum, vegetated buffers shall be provided in areas depicted on the Conceptual Use Diagram for the Tolland Village Area in the Plan of Conservation and Development.
 3. Sidewalks and pathways shall be provided to connect uses within the TVA and to existing or planned sidewalks and pathways that abut the TVA.
 4. Applicants must demonstrate vehicular connectivity within the TVA and to adjacent areas. Cul-de-sac streets are strongly discouraged.
 5. Off-premise private accessways may be used to access development in the TVA, provided:
 - a. the applicant has submitted a letter from the owner of the private accessway agreeing to its use for access and egress from the proposed development,
 - b. a draft legal agreement for use of the private accessway has been submitted for Commission review and approval, and,
 - c. the private accessway can accommodate expected traffic and emergency vehicles.
 6. New private accessways proposed in an Area Development Plan shall be located and designed to facilitate future use by adjacent properties in the TVA. The Commission encourages shared access and the construction of internal links between the parking lots of adjacent properties to promote access management and lessen traffic and congestion on the public street. As part of the application process, the Commission may require an owner or applicant to file easements on the land records providing access to abutting property owners.
 7. Developments shall comply with Article XIX, Parking, Loading, Driveways and Access except that the Commission may reduce the number of required parking and loading spaces.
 8. Mixed use and commercial buildings shall meet the following setbacks and other dimensional requirements unless specifically approved by the Commission as part of an Area Development Plan:

a. Setbacks: Buildings with frontage along a new public way should be no more than 10 feet from the **building side** edge of a sidewalk along that public way closest to the building. The Commission may approve **up to a 20 foot greater** setbacks if part of an approved Area Development Plan.

b. Building height:

1) Mixed use and commercial buildings One **(1)** story buildings are not permitted, **one and a half (1.5)** or **two (2)** stories are permitted, **three and a half (23.5)** stories are preferred, the maximum is **three four (4)** stories. ~~The Commission may approve an additional story in an area where steep grades cause a large differential in building height on sides. The maximum principal building height in feet (as defined in section 2-2) shall be fifty six (56) feet. Where building heights exceeds three (3) stories, the building will be set back from Merrow road a minimum of one hundred and fifty (150) feet and façades will be designed to mitigate the impact of the building height using at a minimum two or more of the following methods:~~

a. ~~Change building siding material such that no single material covers more than a maximum of three contiguous stories of the building façade.~~

b. ~~Vary fenestration size and trim in building stories such that no three contiguous building stories have the same fenestration patterns.~~

c. ~~Treat the top building story as part of the building roof by the use of dormers.~~

d. ~~Step the building façade in at least once as the building height increases~~

e. ~~Provide balconies on at least 50% of the openings in any one story of the building.~~

~~f. Any other method, which at the discretion of the commission, meets the intent of the above requirements.~~

~~2) Hotels not located in a Main Street setting: the façade that is visible from a Main Street shall not exceed 2.5 stories. Up to 30% of the façade may exceed 2.5 stories, but be no greater than four stories.~~

~~3) 2) For a hotel, the Commission may allow an increase in maximum principal building height (as defined in Section 2-2) of up to **forty fifty five (4055)** feet or **forty five (45) feet to ridge**, or four (4) stories, whichever is more restrictive.~~

The applicant shall provide visual renderings, with accurate existing and planned topography, with vantage points from Merrow Road and other locations identified by the Commission. Such an increased maximum principal height shall only be allowed for buildings and site designs that meet the following standards:

a. The building is set back a minimum of 150 feet from Merrow Road;

b. The mean elevation of the finished grade of the building is less than the elevation of the closest segment of Merrow Road or the applicant has demonstrated that, due to topography, design strategies or other factors, the negative visible height impact from Merrow Road is minimal;

- c. The building has a vegetated roof that is compliant with Article XXVII, Low Impact Development, ~~or a pitched roof~~ or a conventional flat roof if the building is more than four hundred (400) from Merrow Road;
- d. The Commission is satisfied that the building design and architecture minimize the visual impact of the increased height; and,
- e. The visual impact of parking areas shall be minimized through the use of interior parking, low impact development techniques, screening or other methods.

4) Building width (excluding hotels): shall not exceed 200-240 feet. ~~spans~~ Spans greater than 75 feet should provide variations through techniques identified in the Design Guidelines. Spans greater than two hundred (200) feet shall have a step perpendicular to the face of the building of at least six (6) feet such that there are no contiguous flat façade plains longer than two hundred (200) feet. Lengths greater than two hundred forty (240) feet may be approved by the commission if in its' judgement the facades are effectively articulated to mitigate the building length.

9. Residential – single-family, two-family and townhouses:

- a. Front yard setback should be a minimum of 10 feet and a maximum of 25 feet.
- b. Garages for single and two-family houses shall be located behind the housing unit. If this is not possible due to site constraints, the garage entry shall be recessed at least 15 feet behind the front façade of the house.

10. Residential – multi-family dwelling units

a. The maximum principal building height (as defined in Section 2-2) shall be ~~be~~ four (4) stories and thirty five (35') feet or forty (40') to ridge, whichever is more restrictive fifty two (52) feet. Where a building exceeds three (3) stories in height the following conditions shall be met:

a. The building will be set back from Merrow road a minimum of one hundred and fifty (150) feet;

b. The mean elevation of the finished grade at the perimeter of the building shall be below the closest adjacent segment of Merrow Road or the applicant will demonstrate that, due to topography, or other factors the visible height impact from Merrow Road is minimal;

c. Façades will be designed to mitigate the impact of the building height using at a minimum two or more of the following methods:

i. Change building siding material such that no single material covers more than a maximum of three contiguous stories of the building façade.

ii. Vary fenestration size and trim in building stories such that no three contiguous building stories have the same fenestration patterns.

iii. Treat the top building story as part of the building roof by the use of dormers.

iv. Step the building façade in at least once as the building height increases

v. Provide balconies on at least 50% of the openings in any one story of the building.

vi. Any other method, which at the discretion of the commission, meets the intent of the above requirements.

~~a.~~

~~b.~~ The Commission may allow increased maximum principal building height (as defined in Section 2-2) for multi-family housing of up to forty (40) feet or forty-five (45) feet to ridge, or 3 stories, whichever is more restrictive. Where internal parking will be partially below grade, the Commission may increase the number of stories to 3.5. The applicant shall provide visual renderings, with accurate existing and planned topography, with vantage points from Merrow Road and other locations identified by the Commission. Such an increased maximum principal height shall only be allowed for buildings that meet the following standards:

~~1)~~ The building is set back a minimum of 150 feet from Merrow Road;

~~2)~~ The mean elevation of the finished grade of the building is less than the elevation of the closest segment of Merrow Road or the applicant has demonstrated that, due to topography, design strategies or other factors, the negative visible height impact from Merrow Road is minimal;

~~3)~~ The building has a vegetated roof that is compliant with Article XXVII, Low Impact Development or pitched roof; and,

~~4)~~ The Commission is satisfied that the building design and architecture minimize the visual impact of the increased height.

~~e.b.~~ Setback: minimum of twenty five (25) feet from a existing public roads

~~e.c.~~ Site Layout:

1) Parking areas shall not be located between a building and a public road nor along a public road.

2) At least two buildings shall be oriented toward the new public road.

~~e.d.~~ Building Architecture:

~~1)~~ No side of a building should exceed 200 feet. All sides must be broken up a minimum interval of 50' along a horizontal plane. Building width: shall not exceed two hundred and forty (240) feet. Spans greater than 65 feet should provide variations through techniques identified in the Design Guidelines. Spans greater than two hundred (200) feet shall have a step perpendicular to the face of the building of at least six (6) feet such that there are no contiguous flat façade plains longer than two hundred (200) feet. Lengths greater than two hundred and forty (240) feet may be approved by the commission if in its' judgement the facades are effectively articulated to mitigate the building width.

~~1)~~

2) Facades shall use techniques in the design guidelines to provide vertical and horizontal variation.

~~f.e.~~ Internal Parking:

1) Each building shall include internal parking areas that are at least partially enclosed.

2) Except for the entrances, the façade of internal parking areas shall be consistent with the remainder of the building;

- 3) Entrances to the internal parking areas shall not be located on facades facing a public road unless the entrance is screened from view by another multi-family building.

11. Signs

- a. Sign lighting shall be non-glaring and comply with Section 20-C 3 of the Zoning Regulations
- b. Each side of a building may have a total square footage of wall and over-hanging signs that is equal to that side's linear feet. For example, if a building's façade is 50 feet wide, the cumulative square footage of all wall and over-hanging signs on that wall should not exceed 50 square feet.
- c. Temporary signs used to convey specific information, alert the public to special events or announce a new business shall be designed and placed in a manner closely related to existing sign systems, landscape improvements and building design to avoid visual clutter.
- d. Wall signs:
 - 1) should be located within the frieze of the cornice, on a covered transom or other flat and unadorned surface that is suitable for sign location.
 - 2) where there are multiple storefronts in one building, wall signs should be coordinated in terms of size, placement, color and overall design.
- e. Overhanging signs:
 - 1) should hang perpendicular to the façade wall
 - 2) upper story overhanging signs are not appropriate
- f. Roof-mounted signs are not appropriate, except in limited cases where such a sign is not visible from the main street and is the only means to convey the presence of the business.
- g. Lettering or logos painted onto windows should not exceed more than 25% of the glass area and should not block views.

12. Stormwater management shall comply with goals and standards in the Tolland Low Impact Development Design Manual.

13. All electrical, cable, telephone and other service utilities shall be placed underground.

Section 10-9. Regulation of Adult-Oriented Establishments.

All adult-oriented establishments, as that term is defined in Town of Tolland Ordinance No. 52, as may be amended from time to time, shall be subject to the following regulations and shall be in accordance with Article XXII:

A. Separation Requirements from Other Zones and Uses:

1. Such establishments shall be a minimum of one thousand (1,000) feet from existing schools, churches, public parks and recreation lands, municipal property lines, residentially zoned property and other adult-oriented establishments. Measurements of distances shall be from the property lines of the uses, except in the separation from other adult uses' in which case the distance shall be measured from structure to structure.
2. Such adult-oriented establishments shall also be a minimum of 300' from a building or commercial establishment where people pay for lodging. No building or commercial establishment where people pay for lodging shall be established within 300' from any adult oriented establishment. **The distance shall be measured structure to structure.**
3. No residential use shall be established in any building of which any part is used as an adult use establishment.
4. No adult use shall be established in any building of which any part is used for residential purposes.

B. No building may contain more than one adult-oriented establishment.

C. Such establishments shall be subject to special permit and site plan review by the Planning and Zoning Commission. The following specific site plan criteria shall apply to any adult-oriented establishment:

1. No exterior sign shall contain any photographic or artistic representation of specified anatomical areas.
2. All building openings, entries, windows, doors, etc., shall be located, covered or screened in such a manner as to prevent view into the interior of the building from any public right-of-way or adjacent property.
3. No adult use shall be established in any building of which any part is used for residential purposes.
4. No residential use shall be established in any building of which any part is used as an adult use establishment.
5. Stairways, sloping or rising paths and building entrances and exits shall be illuminated.
6. Adequate lighting shall be provided on a site to ensure the safe movement of persons and vehicles.
7. Parking.
 - a. One (1) parking space for every two hundred (200) square feet of gross floor area devoted to the adult-oriented establishment shall be provided.
 - b. All adult-oriented establishments shall be provided with off-street parking for all vehicles during typical peak use periods. If the property on which such parking will be permitted is not owned by the business operating the adult-oriented

establishment, then evidence, in writing, must be submitted to the Planning and Zoning Commission indicating the owner's agreement to allow patrons of the adult-oriented establishment access to such off-site parking facilities.

Section 16-7. Drive-through.

A. Summary Table

	Retail or personal service business	Banks or financial institutions	Restaurants	Retail food / serving est.	Pharmacy
Tolland Village Area (TVA)	Not allowed	Not allowed	Not allowed	Not allowed	Allowed by Special Permit
Neighborhood Commercial Zones (NCZ-G and NCZ-T)	Not allowed	Allowed by Special Permit	Not allowed	Not allowed	Not allowed
Community Commercial Zone	Not allowed	Allowed by Special Permit	Not allowed	Not allowed	Not allowed
Gateway Design District (GDD)	Not allowed	Allowed by Special Permit	Allowed by Special Permit	Not allowed	Allowed by Special Permit
Commercial/Industrial Zone A & B (CIZ-A, CIZ-B)	Not allowed	Allowed by Special Permit	Not allowed	Not allowed	Not allowed

B. Drive-through service may be permitted in locations noted in these regulations provided the location is consistent with standards contained in Section 22-2.H. and is designed to minimize impact on the walkable nature of the area.

1. **Traffic and Circulation** – Drive-through facilities shall meet the following standards and requirements:
 - a. Any food-related use proposing a drive-through facility shall, unless modified by the Commission through granting of a special permit, have the primary access onto a State road serviced by a signalized intersection.

- b. A traffic study shall be required describing peak hours of operations, volume of customers per hour, stacking lane length needed for the anticipated volume of drive-through vehicles, turning movements, roadway capacity and level of service of nearby streets.
 - c. The size of stacking lanes shall be adequate to allow for safe movement of vehicles with a minimum length of 20 feet and width of 10 feet in straight areas and 12 feet along curved segments of the stacking lane.
 - d. Drive-through lanes shall be clearly defined by pavement markings and directional signage.
 - e. Queue space shall not interfere with:
 - 1) The safe use of the required parking spaces and their required drives.
 - 2) Interior pedestrian and other circulation.
 - 3) The accessway from any public street.
2. **Building and Site Design** – Drive-through facilities shall meet the following standards and requirements:
- a. To the extent required by the Commission, the drive-through window(s) and stacking lanes shall be buffered from view from public streets using landscaping, decorative fencing or other attractive screening.
 - b. The stacking lanes shall be effectively separated from the parking field and pedestrian areas through the use of curbing, raised islands and/or landscape improvements.
 - c. Connectivity – Standalone parking areas in conjunction with facilities having drive-through service shall not be permitted, unless vehicular and pedestrian connectivity is provided to adjacent properties and proposed or existing pathways.
 - d. Drive-through facilities, including windows and other related facilities shall be architecturally compatible with the building and the existing or planned streetscape.
 - e. Outdoor loudspeakers for any drive-through window shall not produce noise level greater than 50dB at the closest property line, nearest building of a separate use or a public sidewalk off-site.
 - f. Any drive-through service menu board (order intercom) shall be located at least 300 feet from any adjacent residential structure.
 - g. To limit damage to buildings in the vicinity of drive-through facilities, at least 10 feet of clear height shall be provided for the drive-through lane and bollards shall be located adjacent to drive-through windows to prevent damage to the building from vehicles.
 - h. In the Gateway Design District, any food-related use proposing a drive-through facility shall, unless modified by the Commission through granting of a special permit, be part of an integrated development or consolidated parcel sharing access and parking and where the total gross floor area of all proposed food-related uses with drive-through service is less than ten percent (10%) of the gross floor area of all buildings on the parcel.
 - i. A program for policing and eliminating outdoor litter must be presented.
 - j. The Commission may approve modifications of the above regulations, Section a, b and c by four concurring votes in special instances when this will improve overall compatibility of the site to surrounding and/or connecting property and with special attention to one or more of the following criteria: landscaping or orientation of building,

drive-through service or circulation areas, architecture, non-motorized linkages to other properties or other site amenities.