



TOWN of TOLLAND/ 21 Tolland Green, Tolland, Connecticut 06084

## MEMO

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**TO:** Planning & Zoning Commission

**FROM:** Heidi Samokar, AICP, Director of Planning & Development

**DATE:** May 9, 2016

**RE:** **PZC #16-2, Tolland Village Area, proposed amendments to Zoning Regulations**

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This memo is intended to answer questions that have arisen during the public hearing.

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### **1. How does development get approved in the Tolland Village Area Zone?**

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Proposed development within the Tolland Village Area generally will go through a two-step process (the process for minor expansions of existing buildings differs from this process).

The first step is for an applicant to submit an "Area Development Plan" which provides detail on proposed uses, layout of the site, buildings, design and conformance with zoning regulations and the Plan of Conservation and Development. A public hearing is required during this stage. Issues including traffic, water and sewer, drainage, etc. would be addressed during that process.

If the Commission approves an Area Development Plan, the applicant then submits a Site Plan for each building when it is ready to build. Per state statutes, Site Plan approval does not require a public hearing.

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### **2. What is the process and criteria for amending zoning regulations?**

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State statutes set forth the process for amending the zoning regulations. It requires that the Commission holds a public hearing and that hearing must be closed within 35 days. The Commission then has 65 days to make a decision after the hearing is closed. With some limitations, either time-frame can be extended if the applicant gives consent for an extension.

Once the Commission closes the public information, it cannot receive any additional information or correspondences. Deliberations occur during the Commission's meetings, which are open to the public, but it cannot accept public comments during deliberations.

In deciding upon zoning amendments, the Commission can approve the requested amendments, deny them or make modifications. The only criteria, based on state statutes, is that if approving the amendments, the Commission must make a finding that the amendments are consistent with the town's Plan of Conservation and Development.

State statutes require that zoning amendments must be adopted by a vote of the majority of the Commission (3 of the 5 members). However, Connecticut General Statutes 8-3(b) states:

If a protest against a proposed change is filed at or before a hearing with the zoning commission, signed by the owners of twenty per cent or more of the area of the lots included in such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the commission.

The Commission has received a petition signed by residents throughout town. Staff will calculate whether the 20% provision has been met. If it is met, then the amendments will require the vote of 4 out of the 5 members.

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### **3. What types of uses are allowed today in the Tolland Village Area zone?**

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This is a partial list. See Section 7-6 of the Zoning Regulations for full list.

Stores and shops	Multi-family dwellings
Banks	Single-family dwelling
Restaurants (no drive-through)	Two-family dwellings
Offices	Parking garages
Pharmacies with drive-through	Cultural venues
Hotels	

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### **4. How do we measure height?**

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Building Height is defined in Section 2.2 of the Zoning Regulations: The vertical distance of a structure measured from the mean elevation of the finished grade at the foundation along the side(s) of the building facing the street(s) to the highest point of flat or mansard roofs or the mean level between the eaves and the ridge of gable, hip or gambrel roofs, except as waived by Section 3-8.

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## **5. How tall can buildings be under current zoning regulations in the Tolland Village Area zone?**

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Mixed Use and Commercial Buildings – 3 stories. The Commission may allow up to 4 stories if the building is on a steep slope. This requirement focused on number of stories rather than feet when measuring height.

Hotel – If a hotel is located within a mixed use building, then the height limitations for “Mixed Use and Commercial Buildings” applies. For a stand-alone hotel, up to 30% of the facade length can be 4 stories; the remainder of the building is 2.5 stories. The Commission can allow the full building to be up to 4 stories (40 feet or 45 feet to ridge) if the building is at least 150 feet from Merrow Road and it determines that the visual impact from Merrow Road is minimal.

Multi-family – 35 feet or 40 feet to ridge. The Commission may allow up to 40 feet (or 45 to ridge) or three stories (whichever is more restrictive) if the building is at least 150 feet from Merrow Road and other conditions apply. An additional half story may be allowed if parking is partially below-grade.

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## **6. What is the tallest height currently allowed for a building along Merrow Road in the Tolland Village Area zone?**

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That depends on the type of building. If a hotel were to be built along Merrow Road, up to 30% of the façade could be 4 stories, with the remainder 2.5 stories. If multi-family were built along Merrow Road, it could be 35 feet / 40 feet to ridge. If a mixed use or commercial building were built along Merrow Road, the tallest it could be is likely three stories (“likely” because there is a provision that the Commission could allow a fourth story due to steep grades but the steep grades tends to be further back on the properties).

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## **7. Why is there no setback from the property line for Mixed Use and Commercial Buildings?**

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The original intent of adopting a two-step approval process (Area Development Plan then Site Plan) was to provide flexibility to the developer to lay out the site in a way that meets the intent of this zone (see last paragraph of Section 7-1). When seeking approval of an Area Development Plan, the developer would propose exact setbacks subject to the Commission’s approval.

The regulations do include some setback requirements, such as multi-family buildings must be 25 feet from a public road.

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## **8. Questions have been raised about allowing apartments, rentals and affordable units.**

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Multi-family developments are allowed and have been built in Tolland, with Ivy Woods being the most recently built. In 2014, the Planning and Zoning Commission approved an 87-unit multi-family development for land off of Merrow Road near Anthony Road. The units will be town-house style, with up to 8 units per building. Construction has not begun. The maximum building height allowed is 35 feet (the proposed units were less than 35 feet).

When the Commission first created the Tolland Village Area zone, the vision was for a mixture of single-family houses on small lots, townhomes, and multi-family units located above retail and commercial space. In 2015, the Commission amended the regulations to allow for stand-alone multi-family housing.

Questions about rentals units have arisen. Please note that zoning focuses on the use of land, not forms of ownership.

Questions about affordable housing also have been brought up. Currently, only 3.5% of Tolland's housing stock is "affordable" per state statutes. To promote the creation of additional housing opportunities for all income levels, the Commission set a requirement that housing development in the TVA must do the following:

- 20% of housing units are "workforce housing units" (may be reduced to 12%)
- Workforce housing is affordable to a household with an annual income that does not exceed 80% of the median income of the area. For a family of four, 80% of the area median income is approximately \$65,000.

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## **9. What is the history of planning for the Tolland Village Area?**

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The history of how we got to today was included in my April 25 memo. I am repeating it based on questions from residents.

In 2006, the town began examining options in the area that is today zoned as the Tolland Village Area (TVA). Working with a consultant, the town undertook a visioning process with hands-on public meetings where development potential and desirable development intensity were explored. This process culminated in a 2007 report, which can be viewed on the town's website at:

[http://www.tolland.org/sites/tollandct/files/uploads/draft\\_report\\_083107.pdf](http://www.tolland.org/sites/tollandct/files/uploads/draft_report_083107.pdf) (or go to [www.tolland.org](http://www.tolland.org) and navigate to "Planning & Development", "Planning", "Tolland Village Area.")

Shortly after that report was completed, the Planning and Zoning Commission began to update the Plan of Conservation and Development (POCD). As part of the update, the Commission conducted a statistically-valid telephone survey. The survey indicated that 64% of residents supported the creation of a village-type town center, in a walking-friendly setting with community gathering spots and shops. Based upon the 2006 study and public input, the POCD recommended that the town:

1. Continue to determine a strategy – including the desired form, appearance, and uses – for the South Green area (now called the TVA).
2. Rezone the South Green area in accordance with the vision.

To implement these two recommendations, the Commission began to more closely examine the land in the Tolland Village Area and start developing new zoning regulations for the area based on the vision. The Commission had discussions with property owners and held public meetings to obtain input on desirable uses, development intensity, styles of buildings and other development considerations. This process resulted in a new set of Zoning Regulations for the Tolland Village Area and Design Guidelines. The regulations were not based upon an actual development, a market analysis nor a detailed environmental review. Rather, they set a framework for the type of development desired for this area. The Commission also updated Chapter 5 of the Plan of Conservation and Development to incorporate this more detailed vision for the TVA in 2011.

Since then, town staff and the Commission have received feedback from potential developers. Based on that feedback, in 2015, the Planning and Zoning Commission initiated its own amendments to the Zoning Regulations and Design Guidelines. Those amendments did the following:

- Increased the allowable height for a hotel from 2 ½ stories to 4 stories, at a height of 40 feet or 45 feet to the ridge.
- Allowed stand-alone multi-family housing (previously multi-family was only allowed above commercial uses), with a maximum height of 35 feet or 40 feet to the ridge. The Commission could further increase the height to 40 feet (or 45 feet to ridge) or 3 stories.
- Added criteria that must be met in return for allowing the increased heights. The criteria aim to minimize potential visual impacts.
- The Design Guidelines were updated to show desirable forms of multi-family buildings and additional examples of desirable hotel styles.