

**LEGAL NOTICE**

**MIDDLETOWN PLANNING AND ZONING COMMISSION PUBLIC HEARING  
MAY 13, 2015, 7:00 P.M., COUNCIL CHAMBERS, 245 DEKOVEN DRIVE,  
MIDDLETOWN, CT**

**PUBLIC COMMENT MAY BE LIMITED TO FIVE MINUTES. PUBLIC IS  
ENCOURAGED TO SUBMIT WRITTEN COMMENTS PRIOR TO OR AT THE PUBLIC  
HEARING.**

1. Continued: Proposal for a new Active Adult Subdivision located at Ridgewood Road between Congdon Street West and Poplar Road. Applicant/agent Thaddeus Bysiewicz SE2015-3
2. Continued: Riverfront Development Floating Zone Text Amendment. Applicant/agent Planning and Zoning Commission. Z2014-3 A copy of the proposed text amendment is on file with the Office of the Town Clerk
3. Proposed Special Exception with regard to Section 61.02.38 Transitional Development Housing for multi-family residential apartments to be located in the B2 zone at 38 Ward Street. Applicant/agent S&G Holdings, LLC SE2015-2
4. Proposed Zoning Code Text Amendment to add Sections 33.02 and 55.04.A.1.c for Downtown Projects. Applicant/agent City of Middletown/Planning and Zoning Commission Z2015-2 A copy of the proposed text is on file with the Office of the Town Clerk.

Daniel Russo, Chair  
Planning and Zoning Commission

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P. O. No. 2002-03014, Account No. 067419

The above legal notice to appear in the Hartford Courant TWICE

Friday, May 1, 2015  
Friday, May 8, 2015

**THE MUNICIPAL BUILDING IS WHEELCHAIR ACCESSIBLE**

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Draft

April 1, 2015

**Section 39E Riverfront Development Floating Zone**

**39E-01- PURPOSE:** A floating zone designed to permit and encourage variety and flexibility in land development but also retaining the Commission's legislative authority to guide and regulate development in accordance with these regulations. The purpose of this floating zone is to provide a mechanism for the development of land, which is not otherwise permitted by the underlying zone (s), subject to the following standards and procedures:

**39E-02 PREAPPLICATION:** It is recommended that any proposal using the Section 39E of the Zoning Code begin with a pre-application review allowed under Connecticut General Statute 7-159b. In order to conduct a pre-application review of a proposed project with the applicant shall make a request in writing to the Planning and Zoning Commission. Such pre-application review and any results or information obtained from it may not be appealed under any provision of the general statutes, and shall not be binding on the applicant or Planning and Zoning Commission.

**39E-03- APPLICABILITY:** This floating zone may be applied to any lot or assemblage of lots (with owner consent) in excess of 3 acres within the Area shown on the Master Plan Map.

The Master Plan Map shows an area bounded approximately from the midpoint of the intersection of Washington Street and Derkoven Drive, running south along Derkoven Drive, including the entrance to Harbor Park tunnel, to north edge of Union Street, then running west along the north edge of Union Street to the intersection of Main Street then running to the south edge of Union Street east to Derkoven Drive, then running south along Derkoven Drive to the Midpoint of the Route 17/Route 9 connector, then following the path of the Route 9 east to the Silver Street exit, then following Silver Street east to the intersection of Silver Street and River Road, then running north to the midpoint of the Connecticut River and following midpoint of the Connecticut River west and then northwest to a point in the vicinity of Washington Street, then returning to the intersection of Washington Street and Derkoven Drive.

In rendering a decision on a zone change the Commission acts in a legislative capacity and shall be the final decision maker. The Commission shall use its knowledge of the area, Section 71 of this Code, the report from the Design Review and Preservation Board and the requirements and guidelines Riverfront Development Floating Zone in rendering its decision.

**39E-04- MASTER PLAN MAP:** The Master Plan Map will act as a guide to Developers and the Planning and Zoning Commission for the application of the floating zone. The proposed uses shall not conflict with the Master Plan Map.

**39E-05 RIVERFRONT DEVELOPMENT GUIDELINES:** The intent of the floating zone is to keep development at an appropriate scale, to design elements to strengthen the downtown and riverfront area by allowing compatible uses and connections between the two and to establish a design that will complement the downtown. The following criteria shall be considered when evaluating site plans for application of the floating zone:

- A. Scale** – the proposed shall be consistent and compatible with the city's Riverfront Resort prepared by Project for Public Spaces and the Riverfront Master Plan Map.
- B. Mixed use** – encourage a mix of uses to create places where people can live, work, shop and play and not be dependent on the automobile.

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39E-09. PRESERVATION OF HISTORIC RESOURCES. The following properties shall be preserved, ~~(b)(5) in part~~ revised and incorporated into a proposal for a Riverfront Development floating zone:

- 3.6.80 Harbor Drive,
- 3.6.80 Walnut Street,
- 3.6.80 River Road,
- 4.17 Eastern Road, and
- 6.1230 Silver Street.

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39E-10. PARKING REQUIREMENTS AND MODIFICATIONS. Parking requirements are those listed in Section 416 of this zoning code. Modifications to these requirements may be requested and approved by the Commission during the process to apply the floating zone to a particular parcel(s). Parking areas will be located outside the Public Access and Public Park areas shown on the Master Plan Map.

39E-11. FLOODPLAIN MANAGEMENT. All proposed developments located within the 100 year 500 year floodplain shall comply with the standards and regulations set forth in Section 416 of the Zoning Code.

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39C-33E-412. CRITERIA FOR DETERMINATION. The Planning and Zoning Commission shall consider the design, relationship and compatibility of structures, plantings, signs, roadways, street hardware and other subjects in public view.

4.4. The application shall demonstrate the following:

- 1) a) that proposed buildings or modifications to existing buildings are harmoniously related to their surroundings, to the terrain and to the use, scale and architecture of existing buildings in the vicinity that have a functional or visual relationship to a proposed building or modification,
- 2) b) that all spaces and structures visible to the public from public roadways are designed to add to the visual amenities of the area consistent with those of the Riverfront Master Plan Map in and around the proposed buildings or modification,
- 3) c) that the color, size, height, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property and any proposed signs and lighting be evaluated for compatibility with the location, design, scale, proportion and maintenance of nearby, historic buildings, monuments and landscaping, and

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B. 2. All development in the Riverfront Development floating zone shall be designed to achieve the following compatibility objectives:

- 1) a) the building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the district;
- 2) b) open spaces within the proposed development shall reinforce open space patterns of the district in form and siting;
- 3) c) locally significant features of the site such as distinctive buildings or vistas shall be integrated into the site design;
- 4) d) the landscape design shall complement the district's landscape patterns;
- 5) e) the exterior signs, signage and architectural features of structures shall support a uniform architectural theme in a theme status and be compatible with their surroundings; and

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39E-11. PROCEDURE/APPLICATION PROCESS SITE PLAN REQUIREMENTS. An application for approval of a Riverfront Development floating zone shall be made in writing to the Planning and Zoning Commission by the owner or owners of the land which are the subject of the application, together with any other application.

4.4. All applications shall include the following information:

- a) 1) Master Plan for entire property and concept plan for adjoining blocks, including overall design objectives and guidelines for the entire area.

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- b)22) Twenty prints of a site plan of the property drawn to scale based upon Connecticut Geologic Survey (CGS) datum and certified by a Professional Engineer, showing the proposed building floor plans and elevations drawn to a scale of not less than 1/16 inch equals one foot, including an indication of all materials and colors proposed to be used in all buildings, including signage.
- 4)24) Twenty prints of a landscaping plan indicating the location, size and species of all plant materials proposed to be preserved and planted, including a note indicating that no CT listed invasive plants will be used and any CT listed invasive plants present on site will be removed in accordance with generally accepted removal practices.
- 6)35) For each building and land area proposed to be used for other than residential purposes, a description of the proposed uses, operations and estimate of number of employees and other occupants.
- 4)30) Parking and Traffic Study, prepared by a CT licensed traffic engineer.
- 6)17) Storm water drainage study, prepared by a CT licensed engineer.
- 2)8) The Commission shall refer the proposed plan to the Design Review and Preservation Board (DRPB). The DRPB shall review landscape plans, any improvements or modifications to the exterior of existing buildings and all proposed new buildings or additions for appropriateness and architectural continuity.
  - 6)11) The DRPB shall consider the application and shall approve, disapprove or approve with modifications the proposed plan within 60 days after referral.
  - b)12) If the DRPB fails to act on the application within the stated time limit, the application shall be presumed to be approved by the DRPB.
  - 6)33) The Planning and Zoning Commission shall not approve a request for a Riverfront Development floating zone if the request fails to receive approval or approval with modifications from the DRPB.
- 3)C. The Planning and Zoning Commission shall hold a public hearing on the proposed plan as acted upon by the DRPB and shall approve, disapprove or approve with modifications the development plan, if approved by the Commission, shall modify or supplement the regulations of the Zoning Code as they apply to the property included in the approved plan.
- 4)D. The Planning and Zoning Commission may attach any conditions to its approval as it considers necessary in order to assure conformance with the approved plan and the zoning regulations and may also require the submission of a suitable performance bond to assure satisfactory completion of necessary improvements.
- 5)E. A suitable notation shall be made in the Zoning regulation and on the Zoning Map identifying any property for which a Riverfront development floating zone has been approved.
- 6)F. Applications for changes in approved plans shall be made and acted upon by the DRPB and the Planning and Zoning Commission at a regular monthly meeting. Changes of a substantial nature shall require a public hearing. A substantial change shall include a proposed new use, any change that reduces public areas or access to public areas, or a change in building square footage of more than twenty-five (25%) percent.

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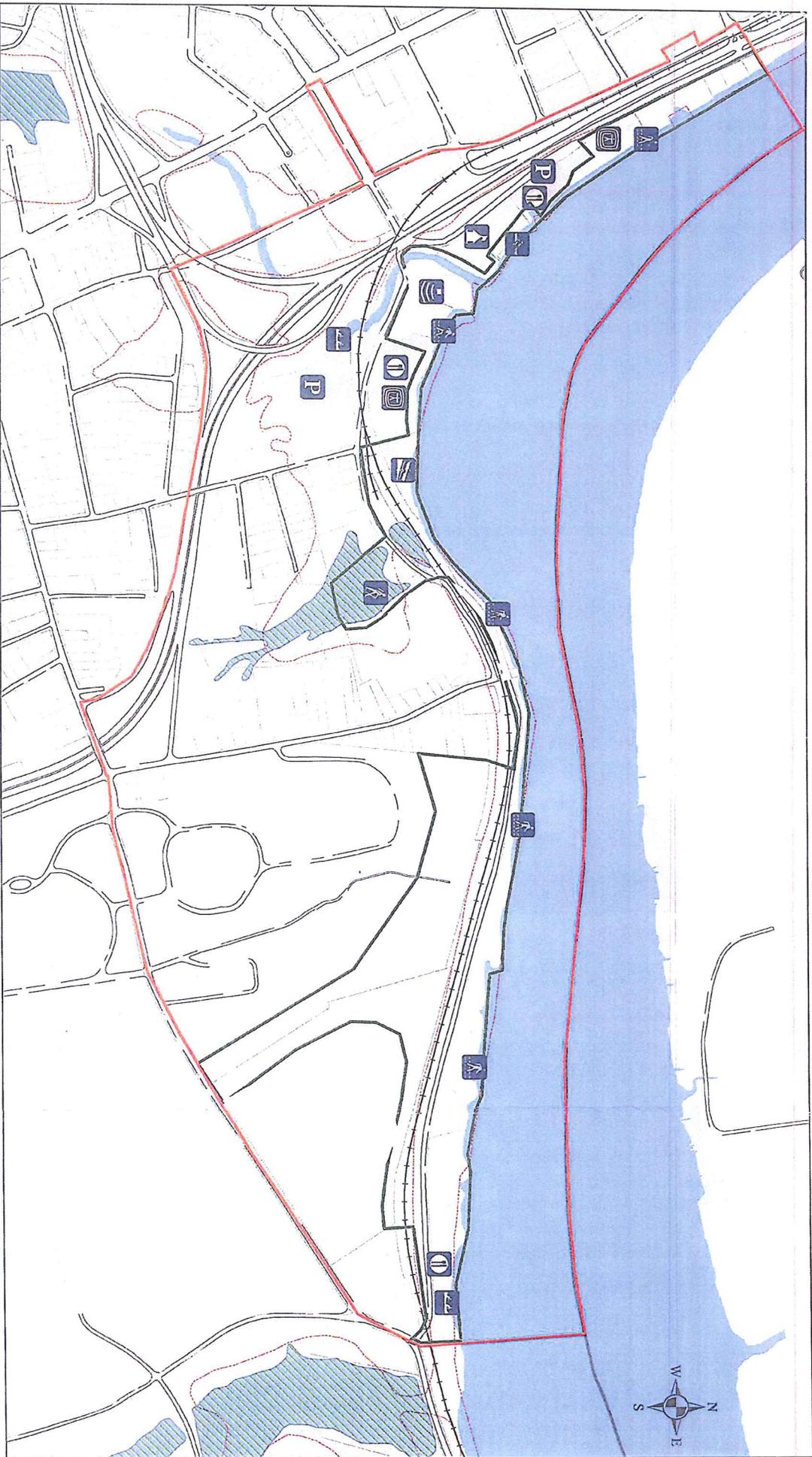
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# Riverfront Floating Zone and Riverfront Master Plan Map

-  Public Park or Public Access Area
-  Floating Zoning Area
-  Floodplain
-  Wetlands
-  Riverfront Pedestrian Bicycle Trail
-  Wetlands Nature Trail
-  Playground/ Play Area
-  Boathouse/ Banquet Facility
-  Public Off-Street Parking
-  Great Lawn
-  Rowing/ Crew Launch
-  Kayak/ Canoe Launch
-  Motorized Boat Launch
-  Restaurant/ Cafe

May 28, 2014