

Town of Tolland, Connecticut

Plan of Conservation & Development – Zoning Implementation

Master Plan Overlay – Technology Campus Zone:  
Proposed Text Amendment



November 3, 2020

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November 3, 2020

Andrew Powell, Chair  
Planning & Zoning Commission  
21 Tolland Green  
Tolland, CT 06084

Re: Text Amendment – Master Plan Overlay Zone TCZ

Dear Chairman Powell:

The following is the proposed draft text amendment to create a Master Plan Overlay Zone that will be available for use in the Technology Campus Zone (TCZ). The Master Plan Overlay Zone is intended to create an innovative and flexible alternative to the TCZ and to provide a new approach to zoning for the Town of Tolland. I submit this proposed draft in preparation for a future public hearing for consideration by the Planning and Zoning Commission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald J. Poland".

Donald J. Poland, PhD, AICP  
Planning Consultant



## **ARTICLE 11-A – MASTER PLAN OVERLAY ZONE**

### **11-A-1 PURPOSE & INTENT**

The intent and purpose of the Master Plan Overlay Zone (MPOZ) is to create a flexible zoning mechanism designed to enable the land area within the designated areas or zoning districts to be developed in a responsible and efficient manner consistent with the Plan of Conservation and Development. The MPOZ requires the submission and approval of a conceptual master plan as part of the zone change application. The MPOZ can be utilized for any property or properties located within the Technology Campus Zone (TCZ). The MPOZ is proposed to create comprehensively designed site developments, including industrial, commercial, multi-family residential, and mixed-use developments. When the MPOZ is applied to a parcel or parcels of land, the underlying zoning designations remain intact and existing properties are not required to utilize the MPOZ designation and related provisions and requirements, unless specifically stated.

### **11-A-2 GENERAL REQUIREMENTS**

The following are general requirements for proposed MPOZ master plan development applications.

- A. It is the intent of these regulations that standards pertaining to the MPOZ shall be those specifically set forth in these MPOZ regulations and those which are approved as part of the Master Development Plan (MDP) and Site Plan hereunder. Accordingly, the provisions of these Tolland Zoning Regulations, including, without limitation, those set forth in the underlying zone shall continue to govern any MPOZ adopted by the Commission unless otherwise addressed by a specific standard contained in these MPOZ regulations or a standard approved by the Commission as a part of an approved MDP or Site Plan. If any provision of MDP or Site Plan for a MPOZ as approved by the Planning and Zoning Commission conflicts with other provisions of these Tolland Zoning Regulations, the provisions of the approved Master Development Plan and/or Site Plan shall govern.
- B. The MDP as approved shall set forth the permitted uses of the specific MPOZ approved by the Commission and in approving the MDP, the Commission is authorized to regulate and promulgate standards to which an approved MDP shall be subject.
- C. All buildings, structures and site improvements in a MPOZ shall conform to all applicable dimensional standards proposed in the Master Development Plan, Site Plan, Parking Demand and Management Study, and should seek to achieve high quality site and architectural design standards.
- D. All site improvements, unless otherwise modified by the Commission as part of the MDP approval, shall comply with the requirements of Article 19 (Basic Standards).
- E. All development in MPOZ(s) shall be served by public water and sanitary sewer facilities.
- F. All new utilities shall be installed underground, unless demonstrated as not feasible by the applicant, and so may be waived by the Commission due to physical constraints or other special circumstances. Utilities that are not customarily installed underground, such as transformer boxes and other facilities, are not required to be installed underground.



### **11-A-3 SUBMISSION REQUIREMENTS**

The Master Development Plan for a parcel or combination of parcels within the proposed MPOZ shall include the submission requirements as set forth herein and once approved, shall require the submission and approval of a Site Plan (Section 20.9). Each parcel or combination of parcels included in the Master Development Plan shall be conceptually presented and later developed in accordance with an approved Site Plan. The proposed Site Plan for any parcel or combination of parcels shall be in the level of detail necessary to demonstrate compliance with the Master Development Plan for the area submitted by the Applicant.

The following are procedural requirements for development applications within the MPOZ(s):

- A. *Pre-Application Conference*: Applicants are required to initiate a pre-application conference with staff and/or the Commission to discuss the conceptual aspects of the proposed development and to prepare and present a conceptual plan. All pre-application conferences are intended to be informal and consist of non-binding discussions that establish a dialogue about the proposed development aimed at creating high quality design and investment that meet the needs of community and applicant.
- B. *Application for Master Development Plan (GDP)*: For any development proposing to establish an MPOZ, the applicant shall submit a Zone Change application in accordance with Section 20.7 of the Zoning Regulations. The application for Zone Change shall include a Master Development Plan in accordance with the requirements set forth in Section 11-A-4 below. The MDP, when approved, will supersede any provision of the underlying zones and regulations where the MDP describes or delineates their subject matter. If the MDP does not delineate or describe the subject matter of the regulations for the MPOZ, the provisions of the underlying Zone shall apply.
- C. *Site Plan Approval*: If the application establishing the MPOZ and Master Development Plan are approved, the applicant may proceed to the submission of a Site Plan application in accordance with Section 20.9. The Site Plan shall provide, in greater detail, the specific development and uses approved in the MDP. After the approval of the MPOZ and MDP, no permits shall be issued for uses permitted therein until the Commission has approved a Site Plan for the uses and development approved in the MDP.
- D. *Special Permit Uses*: A Master Development Plan (MDP) can be approved for general use categories (i.e. commercial, residential, mixed-use, etc.) without any specific uses based on permitted uses and permit type. However, if specific uses are known, they should be included in the MDP. Any special permit uses will require an application for special permit in accordance with Section 20.8. Once an MPOZ and MDP are approved, any subsequent use requiring a Special Permit in the underlying Zone or the MPOZ zone, shall require a Special Permit application in accordance with Section 20.8 of these Regulations.

### **11-A-4 MASTER DEVELOPMENT PLAN**

The purpose of the Master Development Plan submission is to determine whether the proposed uses and site design conform to the intent and requirements of the MPOZ and to the Plan of Conservation and Development. The Master Development Plan, once adopted, shall establish the use or uses and the dimensional requirements of MODZ.

The MDP shall consist of one or more maps (conceptual plans) at a scale of not less than 1" = 100', prepared by the applicable State certified design professional, and supportive documents, and shall show or indicate:



- A. Existing structures, existing topography at ten-foot contours, existing roads and paths, major topographic features, slopes of greater than 10% grade, the location points of scenic interest, and wooded and open areas.
- B. The location of adjoining properties, the names of the owners of such properties as these appear on the latest records in the office of the Assessor, and the existing structures and land uses within 500 feet of the boundaries of the proposed development.
- C. Present and proposed land uses within the boundaries of the entire proposed MPOZ zone/development, whether residential, commercial, industrial, mixed-use, open space, or other, and the acreage assigned to each. Proposed square footage of building or floor area for all proposed uses shall be shown and described in sufficient detail to clearly indicate the nature and scale of the proposed uses. The proposed square footage as shown shall establish the maximum building sizes and the areas within which it will be permissible to construct such buildings. As part of the site plan application, minor modifications of not more than 10% increases in building sizes and areas may be approved by the Commission.
- D. Architectural renderings of the proposed development and buildings. Renderings should include three dimensional images that provide context to massing and form.
- E. The location of proposed public and private road, proposed vehicular and pedestrian circulation patterns, including location and dimension of private and public streets, and proposals for linkage of roads within the zone to the Town and State Highway system, accompanied by a traffic impact and access analysis study.
- F. Dimensional requirements of the underlying zones shall be shown on the MDP and a zoning table including existing and proposed dimensional requirements shall be provided. This comparison shall include all parking, loading and signage requirements.
- G. Whether property within the entire zone is to be developed in phases, and if it is to be so developed the anticipated location and acreage of such phases, and a proposed timetable for development.
- H. The intended means of providing utility services to the development, including domestic water supply and fire protection, stormwater drainage management (including area for detention, if applicable), sanitary sewage disposal, and solid waste disposal.
- I. All site design shall be consistent with Article 19 (Basic Standards). This does not mean that such designs shall be done to the scale, detail, or completeness of the requirements for Site Plan (Section 20-9).
- J. The location of any “flood zone” as defined and regulated in these Regulations.
- K. A statement regarding anticipated municipal fiscal impacts to the Town of the proposed land uses and development.
- L. Such other relevant information as the applicant may wish to submit or may be requested by the Commission.

#### **11-A-5 SITE DESIGN REQUIREMENTS**

- A. *Site Design*: The general requirements of Article 19 (Basic Standards) shall govern the conceptual design of the Master Development Plan and the specific design of the Site Plan (Section 20-9).



**B. Dimensional Requirements:** The following standard shall apply to MPOZ:

Requirements	Master Plan Overlay Zone (TCZ)
Minimum lot area:	1 acre
Minimum lot frontage:	125 feet
Minimum front yard setback:	30 feet
Maximum lot coverage:	70%
Minimum side yard setback:	25 feet
Minimum rear yard setback:	25 feet
Minimum Building Separation:	Flexible
Minimum Distance to Residential:	Flexible
Minimum building floor area:	Flexible
Retail Maximum:	Flexible
Maximum building height:	38 feet, modified up to 58 feet

**C. Building Height Adjustments:** Buildings shall conform to the height requirements of the underlying zone unless the applicant makes a specific request to the Planning and Zoning Commission for flexibility in the height requirements. The granting of such a change to the height requirement is part of the legislative authority of a zone change application and is at the sole discretion of the Planning and Zoning Commission, where unique features of the site and location (such as topographical considerations) permit a change in height requirement and negative impacts on surrounding properties can be mitigate. The Commission limits their own authority to permit an increase in the building height to a maximum of 58 feet. In those instances where an increase in building height is requested, the applicant shall demonstrate a corresponding reduction in lot coverage.

**D. Permitted Uses:** The Master Plan Overlay Zone allows for more flexibility in uses than is permissible in the underlying zone. These uses are intended to be in harmony with the natural features of the land, economic conditions, and the needs of the community, both present and future. Any uses permitted in the underlying zone, as a permitted use, a special permitted use, or otherwise as specified herein, shall be permitted to continue, and shall not be considered non-conforming regarding the MPOZ requirements. All new development proposals in MPOZ shall comply with the uses permitted below.

Single family residential uses are not permitted in the MPOZ unless they are part of a mixed-use development and account for no more the 10% of total residential units. Mixed-use developments are encouraged and favored for proposed MPOZ development but are not required. Proposed uses within the MPOZ shall be located with consideration for compatibility and reasonable transition between such uses and other uses existing in areas adjacent to or in the immediate vicinity of the proposed MPOZ.

Any use not expressly permitted by these Regulations shall be prohibited unless the Commission, upon request by an applicant, and as part of its legislative authority decides that the use is like (similar) a use expressly permitted in underlying zone or the MPOZ. Customary and incidental accessory uses are



permitted. The following are uses specifically allowed in the MPOZ-TCZ district:

<b>Retail, Personal, &amp; Professional Service Uses</b>	<b>MPOZ - TCZ</b>
Retail & Personal Service Establishment	P
Financial Institution	P
Drive-Thru Service – Pharmacy & Financial Institutions (Section 16-7)	SP
Child & Adult Day-Care Centers, or Group Day-Care Homes.	P
Veterinary Hospital (without outdoor animals)	P
Veterinary Hospital, Commercial Kennels, & Commercial Stables (5-acre min.)	SP
Laundromat (public sewer required)	P
Self-Storage Facility 15	SP
Roadside stand, regional.	P
Funeral Home 14	SP

<b>Hospitality Uses</b>	<b>MPOZ - TCZ</b>
Restaurant (without liquor sales)	P
Restaurant (with liquor sales)	P
Drive-Thru Service – Fast & Fast-Casual (Section 16-7).	SP
Outdoor Dining	P
Restaurant – Brewpub	P
Micro-Brewery, Micro-Distillery, or Micro-Winery	SP
Hotel (internal access guest rooms)	SP
Retail Food Service Establishment	P
Catering Facilities – Where?	P
Banquet Facilities - Where?	P
Commercial/Shared Kitchen – Where?	P
Food Trucks – Where? 11	P

<b>Commercial Office Uses</b>	<b>MPOZ - TCZ</b>
Office (Professional & General)	P
Office (Medical)	SP

<b>Commercial Laboratory &amp; R&amp;D Uses</b>	<b>MPOZ - TCZ</b>
Medical, Dental, & Optical Laboratory	P
Laboratory (Research, Experimental, & Development)	P
Technology or Computer-Based Facilities (Data Processing Center)	P
Manufacturing (Biotechnology, Medical, & Pharmaceutical)	SP
Educational, Scientific, & Research Activity	P
Training and/or Conference Center	SP
Licensed Medical Marijuana Production Facility (Sec. 16-14)	SP

<b>Residential &amp; Mixed-Use Developments (residential, commercial, &amp; hotel)</b>	<b>MPOZ - TCZ</b>
Mixed Use – Residential 25% or Less GFA	SP
Multi-Family Residential (Section 13.2.b)	SP



<b>Institutional, Public, &amp; Recreational Uses</b>	<b>MPOZ - TCZ</b>
Places of Worship & Religious Institution	P
Utilities – Public/Private: Structures, Substation, or Office	SP
School – Private	P

<b>Agriculture &amp; Natural Resources</b>	<b>MPOZ - TCZ</b>
Agriculture, Nurseries, Forestry, Forest Management	P
Excavation – Pre-Development Site Grading	SP

- E. *Circulation*: No interior street or drive shall be less than 20 feet in width. The Commission may, where in its judgment traffic circumstances merit, require primary streets to be designed and constructed in conformance with the Town of Tolland road specifications. Sidewalks are encouraged and may be required if the Commission deems them necessary.
- F. *Utilities and Public Improvements*: Public water and sewage shall be provided, except that alternate sewage disposal systems may be considered and permitted by the Commission upon favorable recommendation of the Health District.

Public improvements, such as traffic improvements, drainage improvements, water and sewer improvements, utility installation and similar improvements shall be designed in accordance with the provisions of Article 19 (Basic Standards). Such improvements may be phased in as distinct phases of an approved Master Development Plan are implemented. Each Site Plan submitted pursuant to an approved Master Development Plan shall state specifically what, if any, portion of the public improvements are to be constructed in connection with such Site Plan and shall contain such information necessary to confirm that the improvements to be constructed will be adequate to support the development set forth in the site plan.

- G. *Subdivision into Lots*:
1. A MPOZ may be subdivided or resubdivided into lots by an applicant in accordance with the requirements of the Tolland subdivision regulations.
  2. Nothing in the subdivision regulations or process shall restrict or prevent the lot from being developed in accordance with the intent of MPOZ.

#### **11-A-6 ACTION ON MASTER DEVELOPMENT PLAN**

The Commission shall approve, modify and approve, or deny applications for the MPOZ and the MDP. No permits shall be issued, nor shall any construction activity of any kind commence, for any work depicted on an approved MDP until such time as a Site Plan or other required permits have been approved.

The Commission may approve, approve with minor changes or modifications, or deny any Site Plan required as part of an approved MDP within the MPOZ. In considering any site plan approval within the MPOZ, the Commission shall make a finding that the MDP, Site Plan, and Parking Demand and Management Study are consistent with the intent of the MPOZ Regulations and are adequate to ensure safe and appropriate implementation of permitted uses.





The Commission may impose conditions on the MDP, as deemed necessary, to achieve the purpose and intent of the MPOZ and to protect the public health, safety, and welfare of the community.

#### **11-A-7 SITE PLAN APPROVAL REQUIRED**

In addition to the MDP approval, no building shall be constructed or altered, and no land shall be used prior to approval of a Site Plan which shall be consistent with the conceptual design of the approved MDP. The Site Plan application shall comply with Section 20-9 of these regulations and, without duplication, the following:

- A. Architectural renderings and perspectives of all proposed structures and their interaction with existing on and off-site structures;
- B. Proposed use categories of all proposed buildings. When multiple uses are proposed, percentages of floor area for each use shall be shown;
- C. Concept building plans, including schematic floor plans and exterior elevations;
- D. Traffic impact report of the area as it may be affected by the proposed development, including present and anticipated traffic counts, flow patterns, and capacity analysis of present and proposed interchanges, intersections and entrances serving the development shall be analyzed by a professional traffic engineer licensed to practice in the State of Connecticut;
- E. Identification of vehicular and pedestrian circulation patterns, including location and dimension of private and public streets and common drives;
- F. Location of proposed on and off-street parking areas with dimensions, including location, size and number of parking spaces, access routes, and walkways;
- G. Proposed pedestrian walks, malls, and other paths, public and private;
- H. Priority schedule of construction of the building's landscaping, infrastructure, and other elements of the plan;
- I. A proposed utility service concept plan including electric, telephone, sanitary sewage disposal system, storm drainage, potable water supply, and water supplies for fire protection.
- J. Landscaping (including the number, sizes, and species of proposed trees and/or shrubs, lawn and other groundcover, and other landscape features and natural terrain not to be disturbed). Existing tree growth shall be shown on the plan and preserved to the maximum extent possible.
- K. All other requirements for Site Plans in accordance with Section 20-9.

#### **11-A-8 PARKING DEMAND & MANAGEMENT STUDY**

A statement, prepared by a licensed or certified professional with expertise in parking and parking demand, shall be provided to determine and demonstrate the need for required parking. The methods, standards, and approach shall be reasonable consistent with the following documents that are to be considered as part of the site plan approval process:

- A. Parking Demand and Management Study developed in accordance with the standards set forth in the following documents: (a) the Urban Land Institute, Shared Parking; 2<sup>nd</sup> Edition, as amended; (b) the Urban Land Institute, the Dimensions of Parking, 4<sup>th</sup> Edition, as amended; or (c) Institute of Transportation



Engineers, Parking Generation Manual, 4<sup>th</sup> Edition, as amended, (or) other standard reference agreed to and approved by the Town Engineer.

- B. Such a study and proposed parking, if specifically requested and approved by the Commission, may establish the required parking for the MDP and Site Plan at levels above or below those required in Section 19-1 (Parking).
- C. On-street parking may account for up to 15% of required parking on local street contained within the development.
- D. Parking structures, preferable below grade, are permitted, provided they are included in Parking Demand and Management Study.

#### **11-A-9 GENERAL REVIEW CRITERIA**

- A. *Site Appropriateness*: In considering the appropriateness of development within the MPOZ, the Commission shall consider the following:
  - 1. The proposed use, density, and intensity of development and that the designs are reasonably compatible with the character of the area, adjacent properties, and purpose and intent of the MPOZ regulation.
  - 2. That all development exhibits a high standard of quality in construction detail materials, design, and appearance. That development reflects accepted professional standards of architecture and site design.
  - 3. That quality site planning is an essential criterion of the MPOZ. Sites developed in the MPOZ(s) are intended to be carefully planned, both within the site's own boundaries and in relation to surrounding properties.
  - 4. That all development be sensitive to environmentally regulated areas within the MPOZ. That effort be made to retain and integrate significant natural features into the development proposal wherever possible.
  - 5. The Commission may impose conditions on the Site Plan, as deemed necessary, to achieve the purpose and intent of the MPOZ and to protect the public health, safety, and welfare of the community.
- B. *Site Appearance*: Development proposals for the MPOZ will be reviewed for appearance and compatibility with surrounding areas. The following are general guidelines:
  - 1. Development is encouraged (when appropriate) to conform to the principles of traditional neighborhood design (higher density, mixed use, and pedestrian friendly).
  - 2. Relationships to land uses in abutting zones and adjacent developments within the zone (compatibility) are important considerations that will be critically reviewed by the Commission. Concerns in this regard will include buffers (e.g. vegetative, topographic, and architectural), building scale/massing/configuration/ height, light spill, emissions, noise, use intensity/frequency, and signage.
  - 3. Building height, size, and scale shall be considered as part of the overall design and should be designed in such a way that is compatible with the site and general area, even if the buildings are taller than those of the surrounding properties.



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- C. *Recording the Master Development Plan:* The applicant shall, within sixty (60) days of approval of MDP, record notice thereof in the Tolland land records under the name of the record owner of land affected thereby giving a legal description of the land, and giving specific reference to the approved plan(s) and map(s); and, further, the applicant shall comply with all other applicable requirements of the Tolland Zoning Regulations and Connecticut General Statutes regarding the filing of approved applications. The Commission may grant an extension up to sixty (60) days for the filing.
- D. *Changes to the Master Development Plan:* Changes or modifications to an approved MDP may be subject to the approval of the Commission. Material changes to any plan shall require a Special Permit in accordance with Section 20-8 of the Tolland Zoning Regulations. A material change shall be (a) a 15% or more change in land use types or (b) a 10% or more increase in floor area, or (c) a 10% increase in parking. Non-material changes shall include changes in the location of buildings, parking areas, landscaped areas, or open space areas provided the area, height and bulk criteria of the regulations and the approved plan are not exceeded. Non-material changes may be permitted by the Commission or staff as an administrative matter provided the general intent and scope of the MDP has not been changed.