
Application: Special Exception SE2021-6
Applicant: 562 South Main, LLC/John Desena
Owner: 562 South Main, LLC
Address: 562 South Main Street (28-0222)
Zone: B-2
Description: New Drive-through Restaurant

Update

The public hearing and review of the special exception and site plan was postponed prior to the July 14th meeting so that the applicant could address staff and department comments.

The applicant submitted a revised site plan dated 7/20/2021 and response letter dated 7/21/2021, which was reviewed by various departments and staff. These staff comments are based on the revised plan.

Proposal

562 South Main, LLC/ John Desena submitted an application for special exception and site plan review for a change of use from retail to a new drive-through restaurant in a flood hazard area located at 562 South Main Street in the B-2 zone pursuant to Sections 33, 44, 46, 55, and 60 of the Middletown Zoning Code.

Existing Conditions

The property is a corner lot consists of 25,570 SF in the B-2 zone with frontage on South Main Street and Norfolk Street. It is bounded to the north by a commercial office property, to the east by residential property in the RPZ zone, to the south by Norfolk Street with a gas station and a residential home beyond and to the west by South Main Street with Pameacha Pond beyond.

The property was formally improved with a retail building, paved parking and driveways with outdoor storage of inventory. The site was nearly 100% covered with building and asphalt.

The property is within the 100ft wetland upland review area and the AE flood zone.

Proposed Conditions

The applicant proposes to construct a new 2,200 ft restaurant building, drive-through lane, driveway, 29 parking spaces, landscaping, utilities, mechanical equipment, drainage, lighting, landscaping, and other associated improvements.

Yard, Coverage & Bulk Requirements (B-2)

| | Proposed | Required (Max or Min) |
|-----------|----------------------|------------------------------|
| Font Yard | 35.8 ft ¹ | 50 ft |
| Rear Yard | 68 ft | 10 ft |

| | | |
|------------------------|---------|----------------------|
| Side Yard | 44 ft | 11.7 ft ² |
| Side Yard (Norfolk St) | 58 ft | 26.7 ft ³ |
| Coverage | 11.35% | 30% |
| Height | 1 story | 3.5 Stories |

¹ More conforming than existing building (22.9ft)

² See 13.03.05.A

³ See 13.03.05.A and 13.03.05.C

Buildings and Uses

The proposed building is one story and contains 2,200SF. The intended use is a restaurant with a drive-through component. The restaurant use is a permitted use in the B-2 zone (61.01.12). The drive-through requires a special exception (44.08.12A).

Flood Hazard Area

The property is in the AE Flood Hazard Zone at elevation ± 81.5 . The proposed building has a first floor of 83 ft. The lowest floor must be elevated 1 ft above the base flood elevation (46.05.03.D.2a). No grading changes are required for compensatory storage since the proposed building is significantly smaller than the existing building. Non-residential development in a flood hazard area required special exception approval (46.03.04).

Parking, loading and Circulation.

The site plan provides 29 spaces located on site. The parking demand for the restaurant is one space per 50 SF of space allocated to patron use and one space per two employees. Since 29 spaces are provided, only 1,210 SF of building are can be allocated to patron use as there is anticipated to have eight employees. As proposed, the building and use would require 29 spaces.

One electric vehicle charging stations is proposed (40.02.01).

Drainage

The existing stormwater management system will remain resulting in the same drainage patterns will remain on site. Stormwater will be collected through a network of catch basins and directed to the storm sewer system under South Main Street.

Utilities

The building will be connected to City sewer and water located under South Main Street.

Erosion & Sediment Controls

The proposed erosion & sedimentation controls consisting of a single row of silt fencing along the eastern and south property lines adjacent to the public right of ways. Haybales will be placed around the existing catch basins.

Landscaping

The proposal includes new planter strips along the southern and western property lines and planter islands on the north side of the property. The planting along Norfolk Street include a row of inkberry hedge. The western landscape buffer will consist of a row of mountain laurel. Creeping juniper will be planted in the landscaping island. A mountain maple will be planted along South Main Street as a street tree.

Lighting

Sight lighting will consist of 3 new light poles installed around the parking and lights mounted on the building.

Inland Wetlands

A portion of the property is within the 100 ft upland review area. On May 5, 2021, the Inland Wetlands & Watercourses Agency discussed the proposal and determined a wetlands permit would not be required and designated review of the proposal to staff.

Special Exception Findings (44.04)

The Commission may grant a special exception when making a finding on the following criteria below:

Compliance with the City Plan

The proposal is consistent with the 2020 Plan of Conservation and Development because it will assist and promotes development along the major corridor. Furthermore, the overall site development with a new building, landscaping and street trees will enhance the aesthetics of the street.

Adverse Effects

The property is adjacent to other commercial uses. It is unlikely that the change of use will have any adverse impacts to the area.

Visibility and Accessibility

N/A.

Traffic Movement

The horseshoe traffic pattern on site is a common design for drive-through businesses along state highways.

Orderly Development

The property is in B-2 (General Business Zone) this section of South Main Street has a mix of commercial uses from retail to offices, to restaurants and other drive-through businesses.

Property Values and Character

There is likely no impact on property values and character of the neighborhood. The former use had a significant amount of outdoor storage of inventory. Removal of this will benefit the neighborhood.

Parking and Loading

The parking provided appears to comply with that required in Section 40. See analysis above.

Compliance with Standards

Drive-through businesses have specific special exception standards (44.08.12A).

1. The site plan shows a 200ft drive-through lane onsite that does not conflict with parking.
2. The internal circulation onsite includes a one way, 14 ft wide driveway that meets the minimum required width when parking spaces are provided at a 45 degree angle (40.03.04C). Both curb cuts are located on South Main Street. Being a corner lot, the code requires the exit of the site be on the secondary street, in this case, Norfolk Street.
3. A variance of minimum lot area granted by the Zoning Board of Appeals on March 4, 2021 (ZBA2021-2).
4. A variance of minimum lot width granted by the Zoning Board of Appeals on March 4, 2021 (ZBA2021-2).
5. Landscape areas are provided in the front of the property along South Main Street and within a 10 ft buffer area that is required between the commercial and residential uses (12.08.01 & 40.03.07).

Issues to be Resolved

1. The Commission should discuss with the applicant the weighing the balance of functionality and safety as they relate to compliance with Section 44.08.12A.2.

Staff Recommendations

Prior to the issuance of building permits:

1. Site development plans and architectural plans shall be submitted to Land Use Staff to verify compliance with this special exception/site plan approval and the Middletown Zoning Code. Any significant changes to the site plan would require Planning and Zoning Commission review. The following shall be addressed:
 - a. Interior floor plans and elevations should be provided to verify compliance with use, bulk requirements, and the parking demand.
 - b. The applicant should address Public Works Department comments dated 7/22/2021.
 - c. The applicant should address Water & Sewer Department comments dated 6/9/2021.
 - d. The applicant should address Health Department comments dated 6/9/2021.