
Application: Zoning Map Amendment Z2020-7 &
Special Exception SE2020-5

Applicant: Hartford Dispensary dba Root Center for Advanced Recovery

Owner: 392 Washington Middletown LLC

Address: 392 Washington Street (23-0070)

Zone: MX

Description: Rezone from MX (Mixed Use) to SMH (Substance Abuse/ Mental Health Floating Zone) & Change of Use to Substance Abuse Clinic and Site Improvements

Proposal

The Hartford Dispensary dba Root Center for Advanced Recovery submitted a petition for a zone change and an application for special exception and site plan review for change of use of an existing building to a substance abuse clinic administering methadone treatment at an existing building located at 392 Washington Street in the MX zone pursuant to Sections 39C, 44, 55 and 71 of the Middletown Zoning Code.

Existing Site Conditions

The property is bound by a commercial property with a restaurant use to the south, a mixed use building and an automotive repair facility to the north, a railroad right-of-way with single family dwellings beyond to the west and Route 66 with a cemetery beyond to the east. All abutting property is in the MX zone.

The property comprises of a single parcel containing of 1.115 acres in the MX zone. It has 100 ft of frontage on Washington Street. The property has conforming frontage and lot area. It is improved with a 7,200 SF, one story commercial building with associated utilities, driveways, parking area and green spaces. The building is currently divided into two tenant spaces. One space is occupied by an automobile repair facility and the other space is vacant retail space. The building has conforming, height, stories, setbacks and a nonconforming use. The site has a lawn area and parking in front of the building, and parking, greenspace and some down sloped area in the back of the property. There are no inland wetlands.

REZONING

The property is currently in the MX zone and abuts only properties located in the MX Zone. The cemetery across Washington Street is in the M zone. The applicant proposes to change the zone of the property to the Substance Abuse/Mental Health Floating (SMH) Zone and the MX zone will remain the underlying zone.

The intent of the zone, is to minimize the impact of such development on neighbors within the floating zone and abutters in adjacent, more restrictive zones while recognizing the important service which these facilities provide to the residents of Middletown.

Applicability (39C.02)

The property lays within the section of Washington Street of which the SMH zone could be applied.

Permitted Use (39C.03)

The proposal is for a substance abuse/mental health diagnosis and treatment facility providing methadone treatment, which appears to fall under the allowed uses in the zone (39C.03).

Changes in Use/ Enlargement/ Expansion (39C.04)

The proposal includes review for the use for initial approval. The use would occupy the entire 7,200 SF of the existing building with no proposal to expand the building footprint or square footage. The remaining portions of the site will be utilized as driveways, parking, loading, sidewalks, green spaces, a staff patio and other improvements associated with the proposed use.

Yards and Height Requirements (39C.03)

Both the existing and proposed conditions meets the yard and height requirements for the underlying MX zone.

Building and Site Requirements (39C.06)

- 1) A special exception and site plan were submitted simultaneously with the petition to rezone the property. Analysis of the special exception and site plan criteria is provided in this report.
- 2) The Design Review and Preservation Board (DRPB) reviewed the initial submission and provided feedback to the applicant on August 12, 2020. The applicant submitted revised plans which is scheduled for review by the DRPB on September 9, 2020.
- 3) No report from the Design Review and Preservation Board is available at this time.
- 4) The average building size of the five closest buildings is estimated at 7,208 SF based on information from the property field cards.
- 5) The most restrictive abutting zone is the MX zone. The proposal meets the required height and bulk requirements of that zone.
- 6) The compatibility with the neighborhood in terms of traffic, noise, illumination and number of patients/clients is evaluated later in this report.
- 7) Due to the proximity of existing buildings and driveways to property lines, there is little opportunity for adequate evergreen screening, fences and earthen berms to screen the facility from adjacent properties.
- 8) The Commission is given authority based on reasonable and minimum standards to impose additional conditions and modifications as necessary to protect the public health, safety and welfare.

Illumination

The proposed lumen plan does show light spilling onto adjacent properties. This is evaluated later in this report. The proposed signs are not internally illuminated.

SPECIAL EXCEPTION/SITE PLAN

On April 22, 2020 the Planning and Zoning Commission approved a text amendment removing methadone clinics from the prohibitive use category and made clinics for mental health and/or substance abuse diagnosis and treatment uses special exception uses in the SMH zone.

A site plan is required for the special exception use (44.03.1). The proposal qualifies as a Category 4 site plan review.

Proposed Conditions

The applicant proposes to maintain the existing building and curb cut and constructed façade improvements, expansion of the parking lot to the rear of the property, install a new generator construct a new staff patio area, construct privacy walls, retaining wall, drainage system, landscaping and other associated improvements.

Buildings and Uses

The existing building will obtain façade improvements. The front façade will be clad with a mixture of materials including grey and white hardie plank artisan lap siding, painted grey block wood siding with a wood trellis. The front windows will be glazed and the door into the building is limited to employees. The company sign and logo is visible from the front façade.

The main entrance to the building will be located at the rear of the building. This façade includes a main front door and canopy over the entrance and sidewalks. The cladding will be the grey and white hardie plank artisan lap siding. The company name and logo will be installed over wood cedar siding.

The side facades will include planted brick. The southern wall will have a screening wall that provide privacy for patients as they exist the building after treatment.

The floor plans show the entry vestibule and check in areas, common space at the rear of the building. The floor plans include 13 counseling rooms, three group counseling rooms, dosing areas, medical supply area, pharmacy, conference room, exam room, lab and other support spaces. The rooms along the front façade including a staff conference room, three counseling rooms and an employee breakroom.

Parking, Loading and Circulation

The site will utilize the existing curb cut. A 24 ft wide driveway will provide two way access to the rear of the property where all the onsite parking is provided. The proposed conditions show a parking lot containing 44 parking spaces at the rear of the building which includes two ADA accessible spaces. There is a loading space located at the front of the building.

The proposed medical clinic use demands 45 parking spaces as presented by the applicant (40.04.03). The use will utilize all 7,200 SF of the building as well as provide one space for the one doctor on site and one space for each three employees.

The proposal is deficient by one parking space.

No electric charging stations are proposed when two charging space are required (40.02.01).

Drainage

The proposed drainage system consists of collecting stormwater from the driveways and parking area and directing it into an underground detention system. Overflow will be directed to a scour hole proposed in the northwest corner of the lot and adjacent to the railroad right-of-way. A stormwater management report was provided and notes that peak flows will be reduced for all storms measure up to a 100 year storm under proposed conditions.

Utilities

The building will utilize existing underground utilities that service the building. An emergency generate with concrete pad is proposed to the rear of the building.

Lighting

All site lighting for the site includes three lights on the building and four light poles along the driveway and within landscape islands in the parking lot. The lumen plan shows light spillover of up to 0.6 foot candles onto adjacent properties. There is no light spilling onto properties with residential uses but all properties are in the MX zone which is classified as a residential zone (Section 60).

Signage

The applicant proposes two building signs with one on each the front and the back facades. The signage includes the company name "Root Center for Advanced Recovery" and company logo. A freestanding sign is proposed in the front lawn. No dimensions for the signage to demonstrate compliance with the regulations. There are no specific sign standards for the SMH zone but the underlying MX zone allows a maximum one building sign (48.03.06).

Landscaping

The landscaping plan shows a mix of planning of trees, shrubs and perennial flowers and grasses.

The front of the building will include a front lawn area with plantings around the freestanding sign. A street tree (Bloodgood London Planetree) is proposed behind the sidewalk in the front yard of the property. Adjacent to the building will be a patio area that will be screened with a cedar fence and landscape planting.

The rear parking lot will have landscaping within landscaping island and along the periphery of the paved area. The parking lot trees includes four red oaks, four flowing dogwoods and one honeylocust. Additional shrubs and grasses are proposed.

Erosion & Sediment Controls

The proposal includes erosion & sedimentation controls that consist of a row of silt fencing along the perimeter of the rear of the property around the disturbed area. An anti-tracking pad is located at the construction entrance that utilizes an existing curb cut.

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 2010 Plan of Conservation and Development does list expanding and building upon the medical sector as a regional draw as one of the guiding principles of the Plan. The plan describes the Saybrook Road Medical Corridor that details the significant investment in the medical sector in this area. Portions of Saybrook Road are eligible for rezoning to the SMH Zone.

Furthermore, the Plan lists protecting the unique character of neighborhoods and improve the quality of development by adopting form-based design standards. The Planning and Zoning Commission has not adopted form-based design standards for this section of Washington Street but any current or potential formed-based design standards would likely discourage, if not prohibit, orienting front building facades away from the public way.

Adverse Effects

Side effects of methadone treatment may include impaired cognition or confusion, forgetfulness, impaired balance or coordination, fatigue, nausea or vomiting, and stupor among other effects. It is unclear how the facility will control for these side effects, which if displayed out among the community could have detrimental adverse effects to the health and safety of resident, workers in the area or adjacent properties.

There has been significant amount of written public comment submitted to date expressing concerns on how the facility could impact their property values and the community.

Visibility and Accessibility

Not applicable.

Traffic Movement

The proposal will use the existing curb cut for ingress and egress onto the site for vehicular travel. The applicant provided a traffic impact study for the proposed site activity. The analysis generalizes the use as a “clinic” and does not discuss any potential changes in trip generation for the proposed substance abuse treatment use.

The plan notes that the level of service entering the site will not change from the existing LOS A. The plan notes that the level of service exiting the site will not change from the current LOS F. A LOS F is classification for the most dangerous intersections in the Highway Capacity Manual, 6th Edition.

The analysis does not discuss how the effects of treatment could further impact a driver’s ability to navigate this challenging intersection. The study notes that there were 7 car crashes in front of the proposed site. It is not discussed how the proposed use can further impact drivers and ability to avoid incidents.

Orderly Development

The proposed use will utilize the existing building and existing curb cut. The parking lot to the rear of the site will be expanded.

The site is located in the middle of the MX zone which is primarily a residential zone that allows for a select amount of commercial uses. Many of the current uses in the MX zone were established prior to the creation of the zone. Medical and dental offices and clinics are the most similar use which are allowed under special exception (61.01.54 & 61.02.35). For the purpose of a comparison, a medical clinic would fail to meet specific special exception standards at this location (44.08.06)

Property Values and Character

It is unclear how the proposed use can affect property values. There is public input that does express concern about property values. Any on property values will likely be a result from general upkeep of the property and management of outpatients.

The Washington Street corridor would be impacted by the proposed development. While the corridor could be greatly benefited with building façade and landscaping improvements, there are some fundamental flaws to the proposal that negatively impact the character of the corridor. First the building is orientated backwards. While placing the parking behind the building is encouraged and desirable, the clinic façade is on the back of the property. The front façade with the entrance and canopy should face the public way. Basically the back of the building faces Washington Street. Furthermore the proposal includes a semi private staff area that is screened by fence. The fence will be the most visible improvement from the public street. Furthermore, the use of the door that faces the street is limited to employees only and the windows facing the street will be glazed/tinted, which will eliminate the opportunity let the internal use of the building contribute activity of the streetscape.

Parking and Loading

The plan proposes off-street parking totaling 44 spaces when 45 would be required under Section 40 of the Zoning code. The Commission may modify the parking requirement under Section 40.08.

Compliance with Standards

There are no additional specific standards for special exception use under Section 44.08.

Issues remaining to be addressed

1. The applicant should discuss how potential side effects of methadone treatment will be mitigated for and offer no detrimental impacts to the public health and safety of the neighborhood.
2. The applicant should provide any empirical data available on the impacts of methadone treatment clinics have on property values.
3. The applicant should explain why the proposed location along the Washington Street corridor is a preferential location for the proposed use as opposed to clustering closer to other medical uses in the Saybrook Road area.
4. The traffic analysis should be modified to address the following:

- a. The report should distinguish differences as they relate to traffic patterns for substance abuse treatment clinics and general medical clinics.
 - b. The report should address opportunities to improve the LOS F of when existing the site. Furthermore the report should address how driver's ability to navigate this challenging intersection.
 - c. The report should address how the proposed use can further impact drivers and the ability to avoid crashes.
5. The entrance and "front" façade of the building should be reoriented to the façade facing the public-way.
 6. Windows, at least at the street side façade should be clear and visible from the street.
 7. The interior floor plan should be reoriented to that the main public active uses are located at the front of the building.
 8. Only one building sign is allowed. It is recommended that the rear building sign be removed.
 9. Dimensions for the signage should be provided to verify compliance.
 10. The cedar screening fence for the patio area should be removed to expose more of the front of the building.
 11. The Commission requires a report from the DRPB before an approval can be issued.
 12. The lighting plan should be modified to eliminate light spillover onto adjacent properties.
 13. The Commission may consider modifying the parking requirement from 45 spaces to 44 spaces pursuant to Section 40.08.
 14. A minimum of two electronic vehicle charging stations should be provided.
 15. Comments from Public works and the Water and Sewer Department on the revised plans dated September 2, 2020 are unavailable at this time. The plans were revised to address earlier comments.

Staff Recommendations

It is recommended that the public hearing be opened and continued so that the applicant can have time to address comments and outstanding issues.