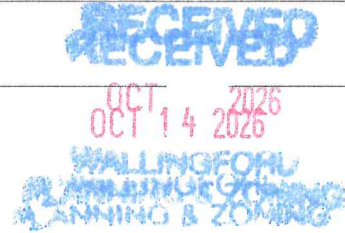




Outlook

Mixed Use Amendment Primer



From Dennis Ceneviva <Dennis@cenevivalaw.com>

Date Wed 10/14/2026 11:23 AM

To Kevin Pagini <kevin.pagini@wallingfordct.gov>

Cc Thomas Flannery <thomas.flannery@wallingfordct.gov>; Alison Kapushinski <a.kapushinski@wallingfordct.gov>; Don Crouch <don.crouch@wallingfordct.gov>; Fries, William <bfries@blcompanies.com>

📎 2 attachments (51 KB)

MIXED USE DISTRICT primer.docx; 1072026 REVISED WALLINGFORD MIXED USE DISTRICT.docx;

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kevin,

I have attached the "Primer" for the Commission's review tonight so they can follow along on my presentation. I reviewed your file this morning and am still hoping that you and other Staff members will provide additional affirmative memos to the file for distribution to the Commissioners indicating that the FINAL DRAFT appears to address all of the concerns expressed by you and them. I will reinforce to the Commission that the Text Amendment is only step 1 and that, between petitioning for a Zoning map amendment, preparing an OCSP, and eventually heading back to the Commission for final Site Plan approval, they, you and the neighbors will have several additional opportunities to ensure that the final approval of an OCSP meets every legitimate concern expressed by all.

Thanks for all of your help; it is truly appreciated by me.

Dennis

Dennis A. Ceneviva, Esq.
Ceneviva Law Firm LLC
721 BROAD STREET
Meriden, CT 06450
203.237.8808
203.237.4240 FAX

WIRE FRAUD ALERT- Please contact Debbie Mischler or Attorney Ariana F. Ceneviva for specific wiring instructions BEFORE wiring funds. If you ever receive an email appearing to be from our firm stating that our wire instructions have changed or requesting a wire transfer, please contact us immediately at 203-237-8808 as you may have fallen victim of a scam. Law Firms, Realtors and other professionals are being targeted by sophisticated hackers in an attempt to steal funds by initiating fraudulent wire transfers.



***** THIS MESSAGE AND ANY OF ITS ATTACHMENTS ARE INTENDED ONLY FOR THE USE OF THE DESIGNATED RECIPIENT, OR THE RECIPIENT'S DESIGNEE, AND MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL OR PRIVILEGED. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE (1) IMMEDIATELY NOTIFY Ceneviva Law Firm, LLC ABOUT THE RECEIPT BY TELEPHONING (203) 237-8808; (2) DELETE ALL COPIES OF THE MESSAGE AND ANY ATTACHMENTS; AND (3) DO NOT DISSEMINATE OR MAKE ANY USE OF ANY OF THEIR CONTENT

MIXED USE DISTRICT

[Review of Final Draft]

WHAT IS A FLOATING ZONE?

1. A zoning district applied to one or more parcels with the designed goal to create flexibility balanced by control in the development of land.

2. The flexibility and control are placed in the hands of the Planning & Zoning (“P&Z”) Commissioners as the application of the Floating Zone to a particular parcel or group of parcels is a legislative decision made by the P & Z members

3. The discretion to apply such a zone to a particular parcel or group of parcels is much broader than the P & Z’s normal authority to approve or deny land use applications because they are acting in a legislative capacity rather than as an administrative board acting in its quasi-judicial manner in those instances.

FIRST STEP TO CREATING A FLOATING ZONING DISTRICT

1. Text for the new Zoning District must be drafted, reviewed and approved.

2. An applicant must work with the Town Staff professionals to ensure that the draft, as completed and offered to the P & Z for approval, meets the goals of flexibility and control.

3. Paragraph A of the draft explains the “purpose” of the new zone, which is the direction provided to the applicant by your Town staff.

APPLICABILITY

1. Town Staff has provided excellent direction and advice with respect to several limiting factors which would allow such a zoning district to be considered:

a) Minimum size in terms of lot area for the individual or group of contiguous parcels is forty (40) acres; the parcel or parcels must be developed in accordance with an overall Master Plan called the Overall Conceptual Site Plan (“OCSP”);

b) All parcels included in a Floating Zone must have access to Town Water & Sewer services capable of handling the full build out of the proposed Overall Conceptual Site Plan;

c) In no event shall any OCSP be designed and developed with less than 25% of the proposed gross floor area having a residential use and with less than 25% of the proposed gross floor area having a non-residential use (thus, the mixed use);

d) Discretion is provided to the Planning & Zoning Commission when determining how traffic from the OCSP will be managed, including the location of access points within the OCSP;

e) Underlying Zoning District- limited to properties currently located in the IX, WI, CA or CB zoning districts; the requirements for development within such districts are maintained except to the extent the Commissioners can modify such requirements pursuant to this Floating District.

PERMITTED USES

1. A list of thirteen (13) permitted uses, eleven (11) of which are specific, one (1) of which grants to the Commissioners discretion to approve other uses not specifically identified within the first eleven, and

one (1) which permits accessory uses to the permitted uses, all as determined by the Commissioners.

SITE DESIGN

1. Town Staff has provided significant input into the drafting of the design criteria and the specific language within each design criteria.

2. For example, “Pedestrian and Vehicular Circulation” is drafted to encourage internal circulation within the OCSP together with central open space for pedestrians and bicycle riders.

3. The Building Design criteria has added language to ensure that no big box stores are developed within the OCSP by limiting non-residential buildings to 40,000 sf and limiting the maximum length of a first floor building façade to 400’ in length. Additionally, in those instances where orienting the commercial buildings to a main frontage is not preferred, an applicant must make architectural improvements to whichever side of a building faces such roadway to the Commission’s satisfaction.

4. The Parking Plan requirement encourages use of shared parking or parking garages where appropriate to reduce impervious parking areas where possible, and/or permits the Commission to reduce required parking particularly in those instances where the Watershed Protection Overlay District is applicable.

5. The Watershed Protection requirements, which, to a large extent, go hand-in-hand with the Open Space requirements and Landscape Buffers, maintain the requirement that at least 50% of the land area within the OCSP be maintained as Open Space; this is consistent with the current Watershed Protection Zone requirement with the added component of interior landscaping between parking areas. Additionally, the overall site coverage is no longer defined or limited to restricting only building coverage; but rather now includes all impervious surface coverage (which includes paved areas too). Also note that the minimum

landscape buffers for new non-residential buildings abutting residentially zoned parcels have been increased to 150’.

6. The Residential requirements have been modified to include one, two or three bedroom units which allows for the possibility of (but not limitation to) townhouses as part of the residential component.

7. The traffic impact analysis was drafted to require the OCSP to be analyzed as a whole Project, and not just by individual components; it also provides for a peer review to be paid by Applicant.

PROCEDURAL REQUIREMENTS

1. A key component to this zone is the ability for an applicant to meet with the P & Z and its Town Staff in an informal manner early in the process of preparing its OCSP. This allows for comments and advice very early in the process so that an applicant can get a good sense of municipal concerns before spending substantial monies to prepare the OCSP, while minimizing the possible dissonance between the applicant and Town.

2. Any application or petition to seek application of the MU Zoning District to an applicant’s parcel or parcels REQUIRES compliance with several factors including the presentation of the OCSP, all as set forth in Section E2; all property owners within 500 feet of the parcel or parcels involved in the zone change request must be notified by applicant for the public hearing required for zoning map amendments.

3. If the MU Zoning District is applied to the parcel or parcels requested, then another process ensues, whereby applicant must obtain site plan approval in accordance with Article VII of the Wallingford Zoning Regulations, thus giving the P & Z one more review of the overall OCSP.

APPLICATION EXHIBITS

- 1. 505-26-03 dated 7/30/2026 Engineering Memo- incorporated the 3 concerns into final draft**
- 2. 505-26-04 dated 7/22/2026 Planners Letter- incorporated the 14 concerns into final draft**
- 3. 505-26-12 dated 8/6/2026 Letter from Pres. Of Fairlawn Farms- incorporated the 12 concerns into the final draft**
- 4. 505-26-16 8/24/2026 revised Amendment draft**
- 5. 505-26-18 10/2/2026 revised Amendment draft**
- 6. 505-26-19 10/9/2026 Letter from T. Flannery (W & S) commenting on issue with proposed reduction in open space from 50% to 30%**
- 7. 505-26-20 10/9/2026 FINAL DRAFT OF AMENDMENT returns minimum open space to 50% in Watershed Protection district**
- 8. 505-26-21 10/9/2026 Engineering Memo agrees with Commission having discretion determining location of entrance drives- see Sections B(4) and D(8) of final draft**

ARTICLE III

Section 3.1

A. Floating Districts

MU Mixed Use District (MU)

ARTICLE IV

Section 4.27 MIXED USE DISTRICT (MU)

PREFACE: The proposed Mixed Use District is a zone that is not mapped when adopted but is intended for larger scale development. On a future date, the proposed zone will be placed on the ground at the request of the affected landowner(s) or Developer. It is felt that the proposed floating zone technique rather than conventional rigid zoning will result in more planning of land uses within these areas. Accordingly, to achieve this goal, it shall be the intent of these regulations to permit the development of multiple buildings owned by a single or multiple owners on a single lot or multiple lots.

A. Purpose The purpose of this zone is to permit and facilitate the development of a comprehensively planned mixed use development which would provide a self-sustaining development ~~and, which~~ can serve as the commercial and cultural center of the community. This regulation is intended to provide increased flexibility of land development while requiring greater administrative standards and procedures and long-range planning. The development needs to have a strong pedestrian orientation, serve as a community gathering area, with specific design features which would make it an attractive place to live, work, shop and spend time. It would be a floating zone, to be applied only if the conditions of this article are met.

B. Applicability. The Mixed Use District shall be considered a floating zone. Properties in Wallingford may be considered for rezoning to this zone only if in conformance with the following conditions:

1. **Size-** Minimum size of ~~forty~~ (40) acres. Once approved by the Planning and Zoning Commission, the proposed development may be subdivided into separate parcels, all to be developed in accordance with the Overall Conceptual Site Plan (OCSP).

2. **Utilities-** The site must be served by public water and sanitary sewer capable of handling the OCSP after full build out.

3. **Proposed Uses-** The permitted uses are as set forth in Section C and shall to be in conformance with the Plan of Conservation and Development. In no event shall an OCSP have less than twenty-five (25%) percent of the proposed gross floor area be residential. In

no event shall an OCSP have less than twenty-five (25%) percent of the proposed gross floor area be commercial (commercial being defined as the uses set forth in paragraph C that are not residential).

4. Traffic Management- The parcel or parcels shall be accessed by roads which can adequately handle the full buildout capacity, whether privately, State or Town owned.

5. Eligible Underlying Zone- The parcel or parcels involved in the application shall have a current Wallingford zoning designation of IX, WI, CA or CB. The requirements of the underlying zoning district, except to the extent they are modified herein or by Commission approvals, shall remain applicable.

C. Permitted Uses. The following uses may be permitted as a component of the OCSP, subject to approval by the Planning and Zoning Commission:

1. Stores and shops for the purpose of retail business
2. Barber shops, beauty parlors and other similar personal services businesses.
3. Banks, credit unions and other financial institutions
4. Corporate, business, professional and medical offices
5. ~~Indoor theaters~~ **Breweries and Brew Pubs**
6. Restaurants
7. Multi-family residential uses at a maximum density of ten (10) units per acre
8. Outpatient medical facilities
9. Indoor recreation, including but not limited to, health/sports clubs, yoga studios, and other indoor places of public recreation or instructions in the arts operated as a business
10. Child and adult day care centers
11. Museums and art galleries.
12. Other similar uses, as determined by the Commission, that are consistent with the intent of these regulations.
13. Uses accessory to the principal use(s) identified above as determined by the Commission, including no more than one (1) commercial use having a drive-thru facility~~ies for certain primary uses.~~

There shall be no overnight parking of vehicles which are not a part of one of the businesses on the site or are not owned by a resident of the dwelling units on the site.

D. Site Design

1. Pedestrian and Vehicular Circulation. The design of these sites shall include a complete pedestrian and vehicular circulation system, which emphasizes internal pedestrian circulation. This shall include, but not be limited to: a) direct pedestrian circulation connections between the various areas of the residential development, with multiple direct connections to the commercial areas; b) multiple and direct pedestrian connections between the residential areas, commercial areas and public areas; c) where appropriate, pedestrian circulation connections between the subject area and other areas of the Town, which connects to the internal pedestrian circulation network; d) vehicular circulation which both adequately serves all areas and components of the development while being supportive of the overall pedestrian orientation; e) a pedestrian circulation system which is linked to the central open space area, residential open space areas, and all residential areas; f) adequate facilities for bicycles, including bicycle racks; g) appropriate open space/public gathering spaces; h) a central open space area suitable for public sitting and gatherings which may include, but is not limited to, a public plaza or passive recreation areas, and which should be equipped with benches or chairs, pedestrian scaled lighting, and adequate trash receptacles- water features and public art are encouraged to be included; and i) pedestrian connection to public transit where appropriate.

The Commission ~~can~~may require one or more secondary open space areas to serve residential components of the plan if the total residential component exceeds 200 dwelling units subject to the open space requirement set forth in Section 7 hereinafter.

2. Building Design. Applicants shall use decorative details on the exterior of the buildings appropriate to the architectural style that is being emulated throughout the MU District. The use of quoins and lintels are encouraged. All rooftop utilities or other equipment shall be concealed from view of pedestrians, VEHICLE traffic and residential units, unless the Commission determines that it is not feasible due to reasons such as topography and site layout. Mansard roofs or gabled roofs are preferred with flat roofs only being permitted where the proposed structure is taller than adjacent structures. Flat roofs shall have a parapet and cornice appropriate to the architectural style of the building. More ornamental architectural details such as dentils, corbels and an ornamental frieze are encouraged. The maximum Building height for buildings having a non-residential or mixed use shall be fifty (50') feet. The maximum square footage for any individual non-residential tenant of such buildings shall be forty thousand (40,000) square feet. The

maximum length of a first floor connected commercial building façade shall be four hundred (400') feet. The requirements of Section 6.33 of the Wallingford Zoning Regulations shall not apply to any buildings built within the OCSP, provided the architectural features of the building or buildings facing the front yard are acceptable to the Commission.

3. Parking Plan. The overall parking plan to be approved as a component of the conceptual site plan shall be sufficient to accommodate ~~a full build-out the of the~~ various uses proposed within the site plan, as to location, time of use, and other factors as determined by the Commission. ~~It shall comply with the requirements set forth in Section 6.11 of the zoning regulations, subject to any existing parking relief provided by the Commission for existing building(s) which are part of the OCSP.~~ The applicant shall submit a parking analysis at the time of the submission of the zoning map amendment, and ~~OCSP conceptual site plan~~ which analyzes the projected parking demand of each use by time, the proximity of the parking to each use, the need for all day parking for specific uses, and times of peak parking demand for each proposed use, and other issues raised by the Commission. The applicant shall submit a parking plan which addresses the issues identified in the analysis. Such parking plan shall include projected times of parking, designation of uses of each parking space, potential for shared parking, management of the parking areas, and interface with other modes of transportations, such as mass transit, bicycles, and the like. Notwithstanding the requirements for parking set forth in Section 6.11 of the Wallingford Zoning Regulations, the Commission may reduce the overall parking requirements for the OCSP in the event that the parking analysis justifies such reduction or the Applicant uses a parking garage to meet the needs of the OCSP. The Overall Conceptual Site Plan shall reflect the need determined by this analysis, subject to Commission approval.

~~**4. Phasing.** The OCSP may be proposed in phases, subject to approval of the Commission, but must be completed no later than five (5) years from the application of the Floating Zone to a particular property or properties.~~

4. Watershed Protection. That property or those properties for which the Mixed Use District zone is being sought and are currently zoned WI shall comply with the requirements set forth in Section 4.10 of the Wallingford Zoning Regulations (except to the extent modified herein), and Section 4.13, being the Watershed Protection District to the extent that such compliance is necessary to protect and maintain the surface waters of the Wallingford, Meriden and South Central Connecticut Regional Water Authority Public Drinking Water Supply Watersheds to a quality consistent with their use as the primary source of drinking water for Wallingford and area towns.

5. Residential Requirements. All residential units within the Mixed Use District shall comply with the following: a) All residential units shall include studios, and one, ~~or~~ two ~~or three~~ bedrooms. Bedrooms shall be defined in accordance with standards of the State building code; and b) the maximum height of all residential buildings shall be ~~fifty (50') feet~~ ~~four (4) stories~~.

6. Minimum Buffer Widths/Setbacks. In any Mixed Use District in which a parcel or parcels are occupied by a non-residential building or other non-residential use and which abuts a Residential Zone, there shall be a ~~one hundred, fifty (150') foot buffer strip~~. In any Mixed Use District in which a parcel or parcels are occupied by a residential building or buildings and which abuts a Residential Zone, there shall be a ~~one hundred (100') foot buffer strip~~. The buffer strip shall consist of shrubs, hedges, planted berms or trees of sufficient mass to provide an appropriate screen between the proposed building(s) in the OCSP and an adjacent Residential Zone. ~~The use of existing landscape buffers, where possible, shall be maintained~~. Notwithstanding the aforesaid, setbacks to contiguous property boundaries between parcels which are part of the OCSP shall not apply; they shall apply to the outside parcel boundaries of the properties included within the OCSP. ~~Further, notwithstanding the aforesaid, the front yard setback for a commercial building as measured from Route 68 shall be determined by the Commission, but no greater than fifty (50') feet.~~

7. Open Space Requirements. The exact amount of required open space for any particular OCSP, with a *minimum requirement of fifty (50%) percent of the land area unless reduced by the Commission*, shall be determined by the Commission. Open space shall be incorporated into the proposed OCSP as a design feature to buffer the proposed development from existing contiguous development, to serve as a transition between uses within the development and/or as a principal use in its own right. In recognition of these varied open space uses and the variety of uses which may be proposed with the OCSP, open space may include any natural areas, active and passive recreation areas and other unimproved land areas; it shall include all ~~interior landscaping between parking areas, buffer areas and all other areas not covered by buildings or paved parking areas or other impervious surfaces.~~

8. Traffic Impact Analysis. Based on the most recent edition of Trip Generation, ITE (or a more accurate source, if available), a traffic impact analysis for the OCSP containing present roadway conditions, existing roadway capacity, existing and projected volumes (for ADT, Peak A.M. and Peak P.M.), existing and projected volume capacity ratios, existing and projected levels of service, existing and proposed site lines, site generated traffic and traffic distributions, and traffic accident experience, shall be required, unless the Commission

determines that no such analysis is necessary for a modification of an approved OCSP. In all cases where the Commission feels that a peer review of the applicant's traffic impact analysis is warranted, the applicant shall be required to reimburse the Town for the cost of a peer review. This payment shall be made to the Town prior to the decision by the Commission on the application.

9. Overall Site Coverage. Based on the Open Space requirement set forth in paragraph 7 above, the maximum impervious surface coverage (being the percentage which the ground floor area of all buildings, structures and pavement on a lot bear to the lot area) cannot exceed fifty (50%) percent of the total land area.

10. Schedule of Lot and Building Requirements- MU District

MINIMUM LOT AREA	MINIMUM OPEN SPACE IN UNDERLYING WZ ZONING DISTRICT	MAXIMUM IMPERVIOUS SURFACE COVERAGE	MAXIMUM BUILDING HEIGHT	LANDSCAPE BUFFER STRIP	MAXIMUM LENGTH OF FIRST FLOOR NON-RESIDENTIAL BUILDING FACADE
40 acres	50% (unless reduced by Commission)	50% (includes all buildings, structures, and pavement)	50 feet	150 Feet between non-residential building(s) and street abutting residentially zoned parcels; 100 Feet between residential buildings and streets abutting residentially zoned parcels	400 Feet

E. Procedural Requirements

1. Informal Consideration. It is recommended that, prior to the submission of a formal application for approval of the application of the floating zone of a Mixed Use District to a particular property or group of contiguous properties, the applicant review with the Commission and its staff its OCSF in a preliminary and informal manner in order to better ascertain any issues or designs that need additional scrutiny or improvement prior to a formal Application.

2. Zone Change Application. A petition for a change of zone for the establishment of a Mixed Use District shall be submitted to the Planning & Zoning Commission in writing and shall be signed by the owner or owners of all parcels within the proposed district, and shall be accompanied by the following: a) **Narrative** Statement – A written statement specifying the proposed uses of the area, special design considerations and features, architectural guidelines and themes, and how the proposal is consistent with the purpose of the Mixed Use District; b) **Overall** Conceptual **Site** Plan – a conceptual plan shall be presented to the Commission showing the general intent of the proposal, together with the following information in such detail to allow the Commission to determine if the plan is in the spirit of the Zone's intent: 1) the location and size of property **or properties**, including a boundary map and a map showing the project site in the context of the surrounding area; 2) ability of existing fire suppression equipment and other sources to properly service the proposed development; 3) General building and parking layout; 4) Proposed area and square footage of the proposed buildings and their anticipated uses; 5) Concept plan for uses to be proposed which may not necessarily include specific tenants; 6) General vehicular and pedestrian circulation showing all proposed public and private drives, walking paths, sidewalks, and means of traffic calming and/ or pedestrian safety; 7) Proposed public areas such as parks, lawn areas and recreational facilities; 8) Landscaping and lighting plans showing areas of existing mature trees, all existing and proposed surface water resources, proposed landscaping treatments, proposed open space and recreational areas, and detail of proposed pedestrian-scaled lighting fixtures to be used; 9) General streetscape and architectural design or theme, with exterior elevations, perspective drawings and descriptive information regarding building materials and exterior finishes; 10) Tentative construction timeline and phasing plan; 11) Existing and proposed utility plan; 12) Traffic Impact analysis, which describes the potential impact of the proposed uses on public roads, and if needed, includes recommended improvements to such roads; and the adequacy and efficiency of the proposed internal circulation system (the Commission may request that the traffic impact be analyzed as to individual

components of the overall plan); 13) name and addresses of all property owners located within a distance of five hundred (500') feet of the boundaries of the proposed development according to the latest records of the Town's Assessor Office; and such other information which may be reasonably required by the Commission.

After the application submission has been deemed complete for the establishment of a Mixed Use District, the Commission shall hold a public hearing on the application in accordance with the provisions of Article X of the Wallingford Zoning Regulations. After the public hearing, the Commission may approve or disapprove the application or approve the application subject to modifications or conditions. Approval of the application for the Floating Zone to be applied to the Property or Properties identified in the application shall not constitute final approval of the OCSP but shall simply authorize the submission of Site Plans setting forth ~~the~~ in detail the specifics of the proposed development and showing any modifications specified by the Commission.

3. Site Plan Application. A site plan application shall be submitted to the Commission as required by Article VII of the Wallingford Zoning Regulations, together with schematic architectural drawings. The Commission may approve the Site Plan only after the Commission finds that the Site Plan is consistent with the reviewed OCSP, the requirements set forth in Article VII, and any other applicable sections of the Wallingford Zoning Regulations.

4. Phasing. The OCSP may be proposed in phases, subject to approval of the Commission, but all work must be completed within the time limits established by Section 8-3 of the Connecticut General Statutes. In the event that phasing is proposed by the Applicant, the Commission may request a performance bond in a sum satisfactory to the Commission to ensure the completion of improvements and utilities contained within each phase.

F. Regulatory

1. The approved Original Concept Site Plan, along with approved conditions and requirements, shall be the governing tool for the zoning of the Mixed Use District.

2. Property owners may apply for changes to the approved OCSP. If the Commission determines that the proposed changes are minor, in that they do not have a significant impact upon the overall character, impact function (including, but not limited to, traffic) or circulation of the development, the Commission may approve the minor changes through a site plan amendment. However, if the Commission determines that the proposed changes are significant for any reason, they shall require that an application for a change of the

OCSP be submitted and considered in accordance with the procedures of this section of the Wallingford Zoning Regulations.