

A Board of Adjustment hearing was held on the above date with David Chillas, Louis Pederson, Laura Johnson, Unitas Todd, and Chairman Jason Faulkner presiding, at Town Hall Council Chambers, 19 W. Green St., Middletown, at 6 p.m.

Case 02-25 – Parkway at South Ridge / Westtown Town Center Parcel 3**C-3 Zoning****Tax Parcel No: 23-022.00-189**

McKim & Creed, on behalf of the property owner Kohl's, has submitted a resubdivision plan for the recently-approved one-story building pad site with a drive-thru totaling 3,013-square-feet on the existing developed parcel located at 601 South Ridge Avenue.

Ted Williams, of McKim & Creed, attended the hearing on behalf of the property owner to request the following variances for the project:

1. Pursuant to section 4.1 C-3 Districts; Permitted Uses, (e)(v) - Setbacks; of the Zoning Code; a 15' wide setback is from non-residential districts. The attached plan proposes 0' to 3' along the non-residential district.

2. Pursuant to section 4.1 C-3 Districts; Permitted Uses, (e)(vi) - Buffering, Landscape and Public Space; of the Zoning Code; a 10' wide landscape buffer is required along all lot lines. The attached plan proposes 0' to 3' along the lot lines.

Williams said the subdivision of the property to allow for the Freddy's Steakburgers to be on its own parcel, separate from the Kohl's parcel, caused the need for the variances. He said there was no way to fix this while drawing up the plans making sure everything else meets the Town of Middletown Zoning Code.

Lou Pederson asked where the borders to place the landscaping were located. Mr. Williams pointed out the locations on the plans.

Hearing no further questions, it was moved by David Chillas and seconded by Unitas Todd to approve the two above variance requests. Motion carried unanimously (5-0).

Case 03-25 – 501 Merrimac Avenue (Merrimac Gateway)**C-3 Zoning****Tax Parcel No: 23-040.00-002**

Atwell, on behalf of property owner Todeso North, LLC, has submitted a plan to subdivide the original parcel at 501 Merrimac Avenue into two lots; one for the approved hotel and the other for the two completed restaurants.

Placement of the property line to create a separate parcel for the hotel has resulted in non-conforming setback and buffer lines per the Town of Middletown Zoning Code.

Michael Kaszyski, Jr., P.E., of Atwell, requested the following variances on the property owner's behalf:

1. Pursuant to section 4.1 C-3 Districts; Permitted Uses, (e)(v)(b) - shopping centers are subject to a 15' setback from non-residential districts. The attached plan proposes 0' to 8' along the non-residential district.
2. Pursuant to section 4.1 C-3 Districts; Permitted Uses, (e)(vi) there shall be a minimum of a 10' landscape buffer along all lot lines. The attached plan proposes 0' to 8' along the lot lines.

Mr. Kaszyski said Phase 2 of the project at Merrimac Gateway calls for a Home2 hotel. He said Phase 1 included the construction of the Chili's and Outback Steakhouse. Tom Kramedes, owner of Todeso North, LLC, was also in attendance and explained that in order for him to receive financing for the hotel, they (banks) are requiring this subdivision process to give the hotel its own parcel.

Chairman Faulkner asked if all of the code requirements have been met for parking with this subdivision plan. Mr. Kaszyski confirmed that the parking requirements for a hotel have been met. Laura Johnson asked about the fire lanes. Mr. Kaszyski confirmed that they have been tested using the formula provided by the fire company utilizing the standards for the largest fire apparatus. He said the only changes to the plans since first reviewed was the dumpster moving from one side of the building to another due to a request from the future hotel.

Hearing no further questions, it was moved by moved by Laura Johnson and seconded by Unitas Todd to approve the above variance requests. Motion carried unanimously (5-0).