

SEP 1 2021

Planning Dept.

PETITION FOR A ZONE TEXT CHANGE

In accordance with the General Statutes of the State of Connecticut, the undersigned hereby petitions the Cheshire Planning & Zoning Commission for a text change (x) and/or map change () to the Cheshire Zoning Regulations to permit, amend, or delete the following:

For Zone Text Changes:

Indicate pertinent section/paragraph of Zoning Regulation to be changed.

Sections 45.2 Location, 45.4 (c), (h) and (i) Prohibited Uses

Changes are in red

For Zone Map Changes: N/A

Location of Property: _____

Assessor's Map No.(s) _____

Lot No.(s) _____ Zone _____

Change from present _____ zone to _____ zone.

Reason for Proposed Text and/or Map Change: To allow coordinated development of strategically located commercial and residential properties adjacent to existing Special Development District.

The following is attached and hereby made part of this petition:

1. For a text change, five (5) copies of the existing and proposed text.
2. For a map change, six (6) copies of a written legal description of the proposed zone boundary and six (6) copies of a map drawn to a scale of not less than 200 feet to the inch, covering the area of the proposed change, and all areas in the Town within 500 feet of the proposed change, and showing for such area the existing and proposed zoning district boundary lines, the existing property lines, and the names and addresses of the current property owners as indicated by the Cheshire Assessor's records.

3. For a map change, the applicant must submit an **affidavit at least ten (10) days** before the hearing stating that notification has been sent to all abutting property owners (including those across the street). The affidavit shall confirm that the notice was mailed at least **fifteen (15) days prior to the hearing and shall list the names, property addresses and mailing addresses**, if different from property addresses. Notification to property owners shall be in the form of letter or postcard and shall specify the date, time, and place of the public hearing.
4. A base fee of \$560.00* and a Public Hearing Fee of \$175.00 is payable by check to "Collector, Town of Cheshire" in the amount of \$735.00.

*This includes a \$60.00 State of Connecticut Fee.

Petitioner's Name R.W. Hine Hardware
(Print or Type)

Petitioner's Address 231 Maple Avenue, Cheshire, CT 06410

Petitioner's Signature  Patrick Bowman

Telephone Number (203) 214-9356 FAX # _____

Owner's Name N/A
(Print or Type)

Owner's Signature _____

Agent, if other than applicant, to be contacted with regard to this application.

Name Anthony J. Fazzone, Esq., Fazzone Ryan & Ricciuti, LLC

Address Two Town Center, Cheshire, CT 06410

Telephone Number (203) 250-2222 FAX # (203) 250-7388

This application must be filed in the Planning Office at least seven (7) days prior to the regular Planning & Zoning Commission meeting date.

Disclaimer: Additional information may be required, please contact the Planning Office for complete application packets.

45.2 Location.¹ Special Design applications shall be considered only when the proposed project is at least one and one-half acres² in size or is contiguous to and coordinated with an approved Special Development project. Contiguous shall mean abutting against or directly across a public street from a Special Development project. All projects must be located entirely within the Special Development District as shown on map entitled: "Generalized Location Special Development District on Page 7 of the Commercial Chapter, Plan of Development, Adopted August 25, 1975, Effective September 1, 1975," and on a map entitled "Special Development District Eligibility Map: West Main Street, Maple Avenue, and George Avenue, Scale 1" = 250' dated August 18, 2021 by SLR and being more particularly bounded and described as follows:

1st Piece Beginning at the intersection of Maple Avenue and Hinman Street, thence moving easterly along Hinman Street to the intersection of Hinman Street and Highland Avenue (Route 10), thence southerly along Highland Avenue to the intersection of Highland Avenue and Main Street (Routes 68 and 70), thence northwesterly along Main Street to the intersection of Main Street and West Main Street, thence northerly along Maple Avenue to the point or place of the beginning.

2nd Piece Beginning at the intersection of South Main Street (Route 10) and Academy Road (Routes 68 and 70), thence running southerly along South Main Street (Route 10) to a point, said point being the southwest corner of Lot #14 as shown on Assessor's Plate #126, thence running easterly along the southerly boundary of said Lot #14 and continuing on the same bearing across Lot #19, Plate #126, to a point, said point being located on the easterly boundary of Lot #19, Plate #126, thence running northerly along the easterly boundary of Lot #19, Plate #126, to Wallingford Road, thence running westerly along Wallingford Road to the intersection of Wallingford Road and Walnut Street, thence running northeasterly along Walnut Street (shown as the Old Highway on Assessor's Plate #125) to Academy Road, thence running westerly along Academy Road to the place of the beginning.

3rd Piece Beginning at the intersection of Maple Avenue and George Avenue, thence running westerly along the southerly side of George Avenue, also being the northerly boundary of Lot 202 as shown on Assessor's Map #57, to a point, thence running southerly along the westerly boundary of Lot 202 as shown on Assessor's Map #57 to a point; thence running westerly along the northerly boundary of Lot 203 as shown on Assessor's Map #57; and the northerly boundary of Lot 180 as shown on Assessor's Map #57 to a point, thence running southerly along the westerly boundary of Lot 180 as shown on Assessor's Map #57 to a point in the northerly street line of West Main Street, State Highways 68 and 70, thence running easterly along the northerly street line of the said West Main Street also being the southerly boundaries of Lots 180, 179 and 205 as shown on Assessor's Map #57 to the intersection of West Main Street and Maple Avenue, thence running northerly along the easterly street line of Maple Avenue also being the easterly boundaries of Lots 205, 204, 203 and 202 as shown on Assessor's Map #57 to the point or place of beginning.

Intending to include Lots 179, 180, 202, 203, 204 and 205 as shown on Assessor's Map #57.

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¹ Amendment effective June 26, 1981

² Amendment effective August 29, 1986.

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45.4 Prohibited Uses: Prohibited uses in a Special Development District shall include:

- a) All uses prohibited in Sections 31, 31.1 and 31.2 of the Zoning Regulations of the Town of Cheshire.
- b) Industrial uses except for arts and crafts and those industrial uses allowed by the Zoning regulations in commercial zones;
- c) Gasoline stations; ~~unless a gas station exists or previously existed on the site;~~
- d) Automobile repair shops;¹
- e) Automobile washing and cleaning establishments;
- f) Motor vehicle dealers;
- g) Regional Shopping Centers;
- h) ~~Consumption of food and/or beverage off the premises where served;~~²~~Delete~~
- i) ~~The use of shopping carts in parking areas;~~~~Delete~~
- j) Single occupancies of over ~~thirty~~ ~~twenty~~ thousand (~~23~~0,000) square feet except when used for a retail food supermarket, restaurant, office space, movie theater or other public assembly hall, hotel or motel.

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¹ A Regional Shopping Center is one that has one or more large major department store tenants. See Characteristics of Shopping Centers, Planning Design Criteria, Joseph DeChiara & Lee Koppelman, Van Nostrand Reinhold Company, 1969.

² ~~For the purposes of this section, premises shall mean an area owned, rented or leased by the dispenser of said food and/or beverage. This shall not be construed to prohibit retail food markets dealing primarily in packaged and processed goods for home consumption.~~