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DEC 07 2020
Planning Dept

Rev. 2/92, 1/95, 11/95
5/01, 7/01, 10/02, 11/03, 07/04, 3/06, 5/14/10

PETITION FOR A ZONE MAP OR 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 () 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.

Section 48 Interchange Zone Regulation
Delete Section 48.2 b) 2) last paragraph (see attached)
Add Section 48.2 h) (see attached)

For Zone Map Changes:

Location of Property: N/A

Assessor's Map No.(s)

Lot No.(s) Zone

Change from present zone to zone.

Reason for Proposed Text and/or Map Change:

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 Bozzuto's, Inc.
 (Print or Type)

Petitioner's Address 275 Schoolhouse Road, Cheshire, CT 06410

Petitioner's Signature *Michael A. Bozzuto* ✓
Michael A. Bozzuto

Telephone Number (203) 250-5109 - Kevin Daly, Esq. FAX # _____

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

Owner's Signature N/A

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

Name Anthony J. Fazzino, Esq., Fazzino 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.

To: Cheshire Planning and Zoning Commission

From: Planning Staff

Re: Zone Text Amendment to Section 48 (Interchange Zone) of the Zoning Regulations to Permit Storage, Warehouses, and Distribution Centers with Trucking Facilities Incidental to the Main Use

Date: December 17, 2020



Proposal

This application seeks amendment to Section 48 (Interchange Zone) of the Cheshire Zoning Regulations to create new Section 48.2, h) to permit “storage, warehouses, and distribution facilities with trucking facilities incidental to the main use” by Special Permit. It has been submitted by Bozzuto’s, Inc. who are the owners of the southwesterly quadrant of the interchange area.

This application also seeks repeal of that portion of existing Section 48.2, b), 2) which states “Storage, warehouse uses, and distribution centers are prohibited except as incidental to a permitted use. Truck terminals are prohibited.” This section obviously conflicts with the uses which are proposed by the applicant.

The 2016 Cheshire Plan of Conservation and Development (POCD) includes a narrative describing the four principal quadrants, and this narrative remains unchanged. This focus area is shown on the Interchange Focus Area map from the POCD (enclosed) and includes four quadrant areas wrapped around the I-691/Route 10 interchange. No site development plans accompany this application, and it would be inappropriate to review any at this time.

The northwesterly quadrant has been rezoned to Interchange Special Development District (ISDD) to facilitate development of a mixed-use commercial center. A major portion of the northeasterly quadrant is owned by the State of Connecticut and includes a commuter parking lot. There are also three residential properties wedged between the interchange ramps and the commuter lot. The southwesterly quadrant is undeveloped and is owned by Bozzuto’s that seeks this amendment in order to satisfy their business needs. Most of the southeasterly quadrant is owned by a utility company whose intentions appear to be to remain on the property for an extended period.

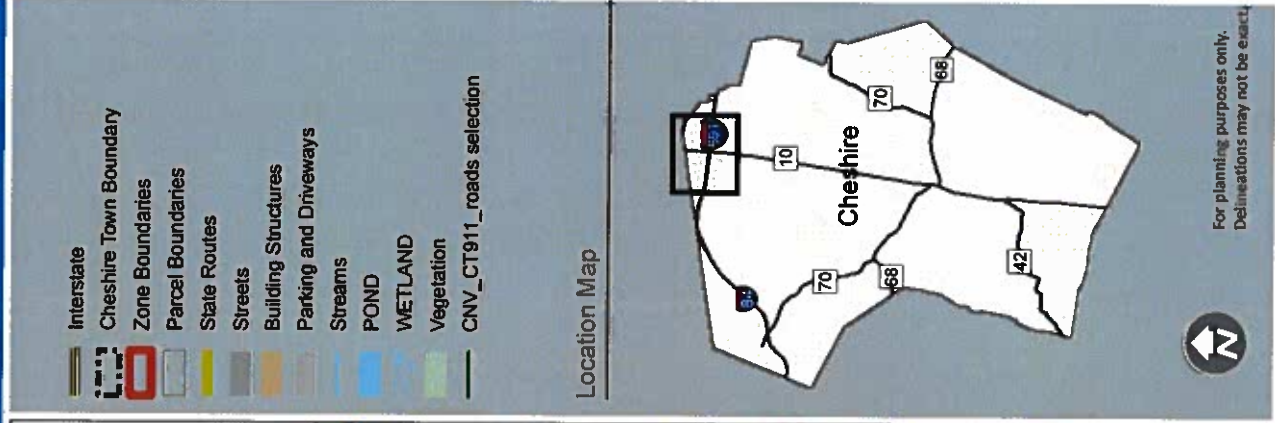
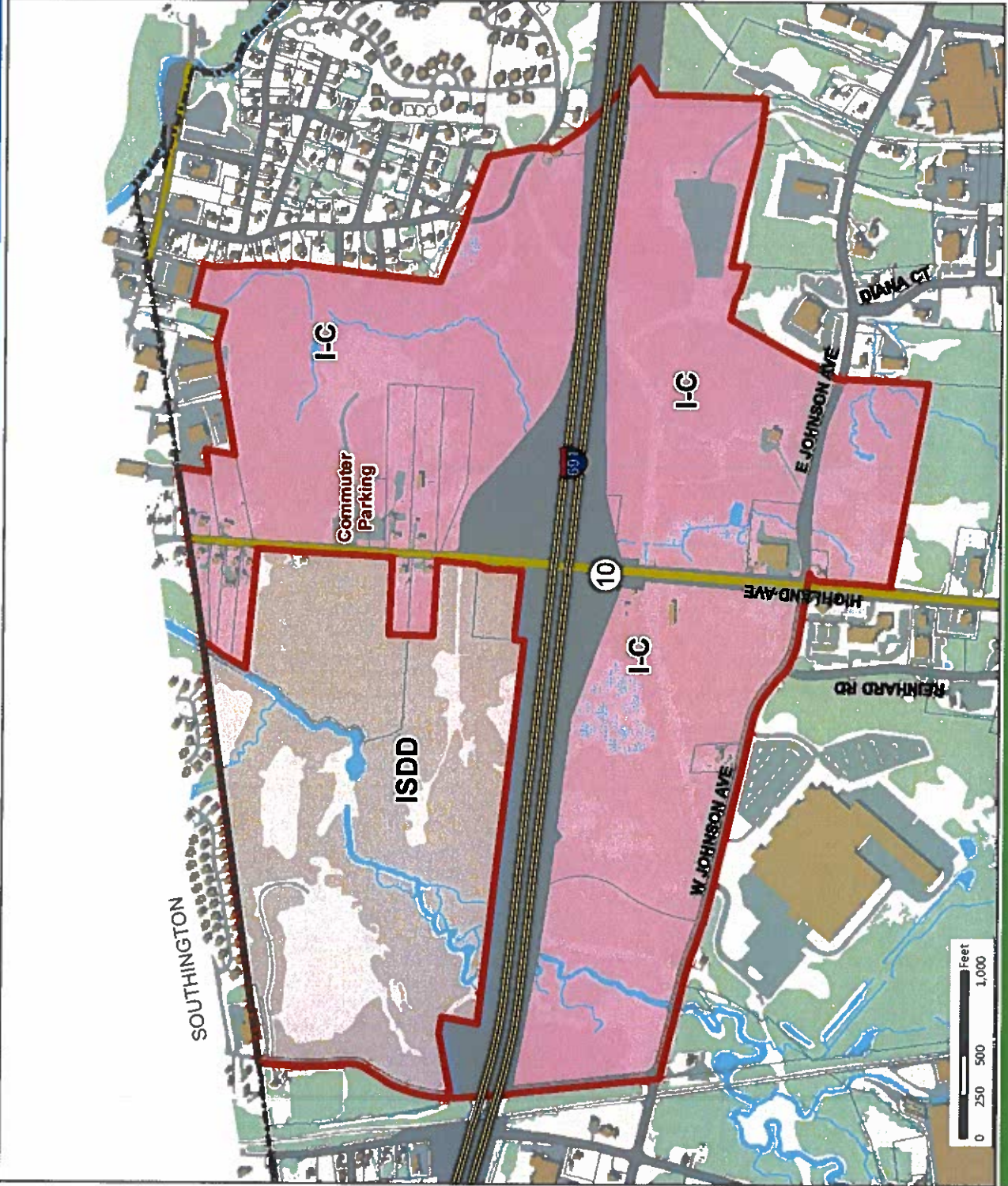
Staff Analysis

The POCD provides some discussion on the origins of the Interchange Zone developed in 1985 based upon a study entitled Land Use Analysis and Plan of the Development Surrounding the I-691/Route 10 Interchange written to create an overall strategy for the development around the interchange in anticipation of its completion. That study recognized the importance of the interchange in generating tax revenue and employment and predicted that office buildings,

research centers, hotel/conference centers and other similar uses would be likely. The predicted mix of uses has not occurred and the 2016 POCD recognized this and states that "it is almost certain that changes will be requested."

The 1985 vision for major office buildings, high-tech research centers, hotels and conference centers has been affected by changing market conditions. This request has been offered by a major business in this community who has a need to grow, is wanting to do it here, and is asking the Commission to give it consideration. The I-691/Route 10 interchange is designed to handle large volumes of traffic, including trucks, and any improvements that may be required by the Connecticut Department of Transportation in their review of projects will be the responsibility of the applicants to pay for. Staff notes that this proposal is not in conflict with any provisions of the POCD. The Plan does recognize the interchange as Cheshire's "front door" and recommends that development proposals should include a master plan with consideration given to access management and context sensitive design that will provide a favorable impression at this gateway location.

Interchange Focus Area





South Central Connecticut Regional Water Authority
90 Sargent Drive, New Haven, Connecticut 06511-5966 203-562-4020
<http://www.rwater.com>

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Town of Cheshire
DEC 16 2020
Planning Dept.

December 16, 2020

Mr. William Voelker, Town Planner
Cheshire Town Hall
84 South Main Street
Cheshire CT 06410

Dear Mr. Voelker:

Re: Zone Text Amendment for warehouses in the IC zone

The Regional Water Authority (RWA) has reviewed the above referenced proposal. A portion of the IC zone is within the North Cheshire Aquifer Protection Area (APA). The amendment would allow warehousing, which is currently prohibited, in the IC zone. We have no objection to the proposed amendment. We would like to point out that warehousing is an allowed use in the APA, but vehicle repair activities and storage of hazardous materials are regulated uses and therefore prohibited in the APA.

Thank you for the opportunity to comment on this application. If you have any questions, please email me at rwalters@rwater.com.

Sincerely,

REGIONAL WATER AUTHORITY

Ronald Walters
Senior Environmental Analyst

cc Mr. Anthony Fazzone

EMAILED
12/16/2020
JT

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To: Cheshire
DEC 16 2020
Planning Dept.

STAFF REFERRAL REPORT



TO: Planning and Zoning Commission, Town Manager, and Town Planner of Cheshire, Capitol Region Council of Governments, South Central CT Council of Governments, Naugatuck Valley Council of Governments (NVCOG) Regional Planning Commission (RPC) representatives

FROM: Keith D. Rosenfeld, Regional Municipal Planner, NVCOG, 49 Leavenworth Street, Suite 303, Waterbury (203-757-0535)

DATE: December 11, 2020

NVCOG FILE NO.: CHES-60-121020-Z
MUNICIPALITY: Cheshire
DATE OF PUBLIC HEARING: January 11, 2021
TYPE OF REFERRAL: Zoning
APPLICANT: Bozzuto's Inc

DESCRIPTION OF PROPOSAL:

Applicant Bozzuto's Inc. is proposing text amendments to the Town of Cheshire Zoning Regulations as follows: To delete Section 48.2b) Interchange Zone and add Section 48.2h) allowing storage, warehouses, and distribution centers with trucking facilities incidental to the main use as a permitted use by Special Permit.

STAFF RECOMMENDATION:

NVCOG staff finds the proposed amendments to the Cheshire Zoning Regulations to be generally consistent with the NVCOG Plan of Conservation and Development, not regionally significant and present no apparent inter-municipal impacts.

* * * * *

This staff recommendation is transmitted as written above unless we receive comments or objections within five days of the time you receive this proposal. If objections cannot be resolved within the scope of the original recommendations, you may submit a reconsideration request to the Regional Planning Commission for further discussion of the findings.

CHES-60-121020-Z

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MEMORANDUM TOWN OF CHESHIRE

84 SOUTH MAIN STREET, CHESHIRE, CONNECTICUT 06410
(203) 271-6670 Telephone (203) 271-6688 FAX

I, Anthony J. Fazzone, the undersigned, delivered to the Planning Office on the date as stamped the following application(s):

APPLICANT: Bozzuto's, Inc.

1. Zone Text Change Application
2. Check # 12691 \$435.00
3. Text Changes 5 Copies
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____

Original: Planning/Wetlands File

Copy: Applicant

SECTION 48 INTERCHANGE ZONE REGULATION¹

48.1 Purpose: The purpose of these regulations is to encourage the effective and timely development of land for high quality office Industrial development surrounding the I-691/Route 10 Interchange. The delineation of the area to be known as the Interchange Zone (IC) is shown on the map entitled: "Proposed Zoning, Land Use Analysis and Plan of Development", dated April, 1985.

48.2 Permitted Uses. The following uses shall be permitted in the Interchange Zone by Special Permit, pursuant to Section 40. Used not specifically listed in this section shall be prohibited.

- a) Corporate Headquarters, Professional and Business Offices. The facility shall be located on a lot of not less than 3 acres in area. ²
- b) Laboratories, Offices & Light Manufacturing. Research and development laboratories, offices, light manufacturing and uses devoted to the following, located on a lot of not less than 3 acres in area. ²

1) Scientific Research and Development –

Research uses shall include theoretical and applied research in all the sciences, product development and testing, engineering development and marketing development.

2) Light Technology and Light Manufacturing –

Light industrial uses shall include manufacturing, fabricating, processing, converting, altering, assembling and testing, engineering development and marketing development of products. All activity of the industry shall be totally contained within the structure. There shall be no external indication of the inside processes by way of noise, smoke, odor, vibration or waste; menace by reason of fire, explosion, radiation or other physical hazards; harmful discharge of waste materials or unusual traffic hazards or congestion due to type or amount of vehicles required by or attached to the use. There shall be no outside storage, and the structure shall be architecturally compatible with other permitted uses in the Interchange Zone.

Permitted, incidental and accessory uses shall include offices, sales rooms, and storage for the wholesale distribution of items manufactured and/or assembled on the premises.

Delete

~~Storage, warehouse uses and distribution centers are prohibited except as incidental to a permitted use. Truck terminals are prohibited.~~

(48-1)

¹ Adopted September 25, 1995, effective September 29, 1995 at 12:01 a.m. (Delete a Regional Mall as a permitted use in the Interchange Zone specifically Section 48, para. 48.1, 48.2.d, 48.3c., 48.5.a., 48.5.c.5.)

² Amended June 11, 2018, effective June 29, 2018 at 12:01 a.m.

3. Office and Administrative Functions.

- c) Hotel and Conference Centers¹ – Or a combination, containing a minimum of 150 guest rooms. On-site ancillary activities may include restaurants, meeting rooms, retail stores, and recreation facilities. Recreation facilities shall be for the use of the guests and may be located outside the primary building but shall not be generally visible from outside the primary building. The facility shall be located on a lot having an area of 3 acres in area.²
- d) The following shall be permitted as matter of right in the Interchange Zone: (1) Farms; (2) Truck Gardens; (3) Nurseries; (4) Forestry.
- e) Residential – In the R-40/IC Zone, single family residential housing shall be allowed as a matter of right, subject to the dimensional requirements of Section 32, Schedule B, for the R-40 zone. Development other than residential shall be subject to the IC Regulations and the appropriate approvals. Birch Drive may not be used for access to development in the IC zone, other than for single family residential.
- f) Existing Residential in the IC Zone – Notwithstanding the provisions of Section 24, Paragraph 24.7 of these Regulations, if any existing residential structure or non-conforming use located in the IC zone is destroyed by fire or casualty to the extent of more than 75% of the replacement cost at the time of its casualty, such structure may be reconstructed or repaired on its existing lot, provided that setback dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for a R-40 zone. Variances of setback requirements shall be obtained only through action of the Zoning Board of Appeals. In the event of failure to start such reconstruction or repair within a period of one year from such casualty and to complete the same within 24 months from such casualty, the right under this Section to reconstruct or repair such structure and the right to resume such non-conforming use shall be lost and terminated.
- g) Parking Lots – Parking lots created to serve a use, which use is not located in the Town of Cheshire, are not permitted uses.

New h) **Attached**

48.3 Application. All applications for development within the IC zone shall be subject to the requirements of Section 40 of the Cheshire Zoning Regulations. In addition to the requirements of Section 40, the following additional information shall also be submitted to assist the Commission in reviewing applications:

- a) Structure Analysis
- 1) Building Shape and Location
 - 2) Building Compatibility to Adjacent Sites
 - 3) Elevations
 - 4) Roof Line

(48-2)

¹ Amended May 27, 1986, effective June 6, 1986 – word “motel” deleted.

² Amended June 11, 2018; effective June 29, 2018 at 12:01 a.m.

New 48.2 Permitted Uses:

48.2 h) Storage, warehouses, and distribution centers with trucking facilities incidental to the main use

**MEMORANDUM
TOWN OF CHESHIRE
PLANNING AND DEVELOPMENT DEPARTMENT
84 South Main Street
Cheshire, Connecticut 06410
Phone 203-271-6670 - Fax 203-271-6688**

Date: December 9, 2020

FROM: William S. Voelker, AICP, Town Planner

SUBJECT: Regional Referrals

The Cheshire Planning and Zoning Commission received the following and I am forwarding such for regional referral:

<u>TYPE OF APPLICATION</u>	<u>SCHEDULED DATE OF PUBLIC HEARING IF APPLICABLE</u>
Zone Text Change Petition <u>Bozzuto's Inc.</u> Section 48 Interchange Zone Regulation To Delete Section 48.2b)2) last paragraph As per attached And Add Section 48.2h) as per attached.	To Open the P.H. January 11, 2021 Virtual – 7:30 p.m. via video teleconference

View on:

https://www.youtube.com/channel/UC4_xey3QjImwe57R_6K94Dw

Existing – and
Proposed Text Attached

If further information is required, please contact me at the Planning Office at (203) 271-6670. We look forward to receiving your comments.

Distribution List:

COG Central Naugatuck Valley

CRCOG

South Central CT RPA

✓ Southington Town Clerk