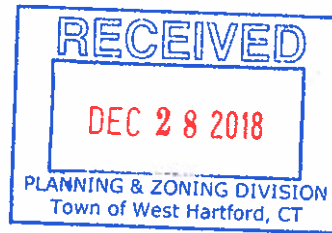


ALTER
PEARSON, LLC
ATTORNEYS AT LAW

Robin Messier Pearson
rpearson@alterpearson.com



701 Hebron Avenue
P.O. Box 1530
Glastonbury, CT 06033

860.652.4020 TELEPHONE
860.652.4022 FACSIMILE

December 28, 2018

Honorable Members of the West Hartford Town Council
Town of West Hartford
Town Hall
50 South Main Street
West Hartford, Connecticut 06107

RE: Amendment to Special Development District #6, Corbins Corner Shopping Center (1445-1459 New Britain Avenue), for Edge Fitness Club Exterior Improvements and Signage Hours, 1459 New Britain Avenue, West Hartford, Connecticut

Dear Mayor Cantor and Honorable Members of the Town Council:

Application is hereby filed on behalf of FW CT-Corbins Corner Shopping Center, LLC ("Applicant"), owner of 1459 New Britain Avenue known as Corbins Corner Shopping Center ("Property"), located within Special Development District #6, 1445-1459 New Britain Avenue (SDD #6). The Applicant proposes to amend SDD #6 to allow Edge Fitness, proposed tenant for space previously occupied by Toys-R-Us, signage that remains lit for 24 hours or for a half hour after Edge Fitness closes, façade changes to the front of the club including along the walkway between parking areas, additional windows on the side and rear (south and east elevations) of the building to illuminate the interior, and improvements to the pedestrian walkway area including landscaping enhancements. This letter and accompanying plans and documents constitute the application to do so ("Application").

A legal description of the boundary of the special development district area is attached as Enclosure (b) and the proposed ordinance is provided in Enclosure (c). These documents are incorporated as part of this application, along with the information contained in Enclosures (a) through (i) noted below ("Application").

The Applicant also requests a waiver of the Section 177-44 C (1)(a) requirement that all owners of the fee to land and buildings within a special development district ("SDD") sign any application to amend an SDD, as authorized by said Section, and certifies that a complete copy of the Application has been mailed, by first-class mail, postage prepaid, to SF WH Property Owner LLC., owner of land and buildings within SDD #6 in which the Property is situated. No changes are proposed for that portion of the SDD, 1445 New Britain Avenue, by this Application.

In conformance with Zoning Code § 177-44C(2)(f), please accept this Application and schedule it for a public hearing.

West Hartford Town Council
1445-1459 New Britain Avenue
Amendment to SDD #6
December 28, 2018

OVERVIEW

Edge Fitness Club intends to occupy the retail store location previously occupied by Toys-R-Us for decades. The interior square footage will be reduced by approximately 12,637 square feet to approximately 38,830 square feet by reducing the size of the interior mezzanine space. Edge Fitness Club desires to be open twenty-four hours a day to serve its members and has submitted a special use permit application to the Plan and Zoning Commission of the Town of West Hartford pursuant to Code Section 177-37.1, for authorization to do so. Otherwise, Town Ordinance requires it be closed between the hours of 2am and 5am. Relief from the existing signage criteria adopted in 1993 requiring all signage in the Corbins Corner Shopping Center to be turned off by 11am, is requested in order to safely accommodate the extended hours. The exterior design changes will not affect the existing height or design of the roofline, nor the location of columns along the walkway. However, the club elevations will be significantly improved with new windows, especially along the extended store front, but also to the side and rear of the building to brighten the interior space. A new sign is proposed above the tenant space which may require relief from the Town's signage criteria depending upon interpretation of the frontage and signage allowance. No changes to the site plan or parking are proposed as the size of the interior space is reduced and the parking requirements for retail and personal service use are the same. Landscaping and lighting enhancements along the walkway between the two buildings, are also proposed to make the area more attractive and pedestrian friendly.

DESIGN, LANDSCAPING ELEMENTS AND SIGNAGE:

The exterior of the Edge Fitness Club will be significantly improved with the addition of new windows in existing or enlarged window spaces and two new windows along the front of the club, as shown on the west elevation, plan sheet A401.00 of the exterior elevations. New lighting fixtures will be added on that elevation, in the walkway area. The color palette of the existing building will be matched, with repainting as needed. On the side and rear of the building, a total of seven new windows are proposed to provide more natural light to the interior of the fitness space and make it more welcoming. But for the opening up of the building façade, the physical characteristic and overall feel of the Center will be maintained.

The walkway between the south and north parking areas will be enhanced with new, replacement plantings and walkway treatment. The intent is to make this area in front of the tenant space more inviting to better showcase the Fitness Club and to ensure that pedestrians feel

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1445-1459 New Britain Avenue
Amendment to SDD #6
December 28, 2018

comfortable utilizing the back parking spaces for access to the facility. At a minimum, employees of the new tenant will be asked to park behind the building.

A proposal for signage is included in the plan set. Edge Fitness Club signature logo and red and black signage is proposed. As noted, the signage may require some relief from the size criteria of the zoning Code, and will require an amendment to the Center's signage criteria to allow the signs to remain on for operating hours, rather than being shut off at eleven pm. Keeping the signage lit is necessary for both way finding and the safety of members and staff.

PURPOSE AND COMPLIANCE WITH POCD:

This reinvestment in the Property is consistent with the purpose of West Hartford's special development district regulation "to permit and encourage variety and flexibility in land development that will be in harmony with the objectives of the Comprehensive Plan for the Town's development." As noted in the Plan of Conservation and Development ("POCD"), page 33, this regional center is dominated by surface parking lots. Approval of the opening up of the façade, the new signage which might attract the eye to the corner of the Center, and the walkway improvements, will continue that trend of visual enhancement as recognized in the POCD as appropriate for Corbins Corner without detracting from the already-established exterior character of the Center.

FINDINGS:

The requested amendment to SDD #6 to accommodate the Edge Fitness Club changes, is deemed appropriate for the following reasons:

1. The proposed changes as set forth in the Application are in harmony with the overall objectives of the Comprehensive Plan as they will support the existing retail-type uses by occupancy of a vacant tenant space, and will conserve and enhance the existing character of the Property and SDD #6 and the commercial area in general. In keeping with the goals of the Comprehensive Plan, the proposed building improvements and coordinated signage constitute reinvestment in the SDD, and as a result, in the community. Approval may stimulate reinvestment in other neighboring commercial properties, resulting in the continued orderly and beneficial development of both the Property and area properties;

**ALTER
PEARSON, LLC**
ATTORNEYS AT LAW


West Hartford Town Council
1445-1459 New Britain Avenue
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December 28, 2018

2. Because of the extra scrutiny imposed on the design and location of the proposed Edge Fitness Club changes, SDD #6 will continue to be superior in its design to a zoning approval possible under the regular standards of the Town's Zoning Code, and the requested changes in the regular standards applicable to signage in the BG district as further limited by the eleven pm sign shut off requirement, will benefit the design and use of the Property;
3. The proposed improvements will clearly be in harmony with the existing development within SDD #6 which includes other tenanted buildings as well as with area commercial properties along New Britain Avenue, as the changes continue the trend for reinvestment in this commercial corridor. There will be no deleterious change in the character of the area as a result of these improvements. There is no reason to believe that the improvements will be detrimental to this status quo or to the permitted development of adjacent residential or commercial properties; and
4. The total density of development in terms of floor area and land coverage will not be greater than that permitted in the BG district in which the Property is located.

The Proposed Ordinance, application fee and information required pursuant to Section 177-44 of the Zoning Ordinance, are enclosed.

Respectfully submitted,

FW CT-CORBINS CORNER SHOPPING CENTER, LLC,

By: 
Robin Messier Pearson
Alter & Pearson, LLC
Its Attorneys and Authorized Agent

List of Enclosures:

- (a) Application letter from FW CT-Corbins Corner Shopping Center, LLC, owner of 1459 New Britain Avenue;

**ALTER
PEARSON, LLC**
ATTORNEYS AT LAW

West Hartford Town Council
1445-1459 New Britain Avenue
Amendment to SDD #6
December 28, 2018

- (b) Description of Premises;
- (c) Proposed Ordinance;
- (d) Affidavit of Interest;
- (e) Description of Proposed Use;
- (f) Letter from West Hartford Bloomfield Health District dated December 6, 2013 for Section 177-44.C.(2)(e) sewer capacity finding and email from Brandon Brezeale, PE, Project Engineer, The Metropolitan District regarding water and sewer service capacity, dated November 22, 2013, which communications will be updated for Edge Fitness Club use;
- (h) Plans entitled: "Amendment to SDD #6 for Edge Fitness in space previously occupied by Toys-R-Us, 1459 New Britain Avenue, Owner: Regency Centers 28 Church Lane, Westport, CT 06880, (HDQR) One Independent Drive, Suite 114 Jacksonville, FL 32202" consisting of three (3) plan sheets including the cover sheet; and
- (i) Application fee by check made payable to the Town of West Hartford.

(a)

Regency
Centers.

28 Church Lane
2nd Floor
Westport, CT 06880

203 635 5560
RegencyCenters.com

December 28, 2018

Honorable Members, West Hartford Town Council
Town of West Hartford
Town Hall
50 South Main Street
West Hartford, Connecticut 06107

RE: **Proposed Amendment to SDD #6 for Edge Fitness Club Exterior Improvements and Signage Hours, 1459 New Britain Avenue, West Hartford, Connecticut**

Dear Mayor and Members of the Town Council:

FW CT – Corbins Corner Shopping Center, LLC is the owner in fee of property known as Corbins Corner Shopping Center which the West Hartford Assessor's records indicates has an address of 1459 New Britain Avenue, West Hartford, Connecticut and as such, hereby files this application to amend Special Development District #6 at 1445-1459 New Britain Avenue to allow Edge Fitness, proposed tenant for space previously occupied by Toys-R-Us, signage that remains lit for 24 hours or for a half hour after Edge Fitness closes, façade changes to the front of the club including along the walkway between parking areas, additional windows on the side and rear (south and east elevations) of the building to illuminate the interior, and improvements to the pedestrian walkway area including landscaping enhancements, as those plans and documents may be amended by the Town Council.

Respectfully submitted,

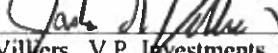
FW CT – CORBINS CORNER SHOPPING CENTER, LLC, a Delaware limited liability company

By: FW -Reg II Holdings, LLC, a Delaware limited liability company, its sole member

By: GRI – Regency, LLC, a Delaware limited liability company, its sole member

By: Regency Centers, L.P., a Delaware limited partnership, its managing member

By: Regency Centers Corporation, a Florida corporation, its general partner

By: 
Jack deVilliers, V.P. Investments
Duly Authorized Representative of
Regency Centers Corporation, a Florida Corporation for
FW CT – Corbins Corner Shopping Center, LLC

(b)

DESCRIPTION OF PREMISES (SDD #6)

Parcel One:

That certain piece or parcel of land situate, lying and being in the Town of West Hartford, County of Hartford and State of Connecticut, on the East side of and known as Nos. 1451-1499 New Britain Avenue, as more particularly shown on a survey entitled "Property Survey Map CORBINS CORNER 1459 New Britain Avenue (Route 71) West Hartford Connecticut Igor Vechesloff Professional Engineer & Land Surveyor 51 Lorraine Street Hartford, Connecticut Scale 1"=60' Date 12-18-1995 Drawing No. 1 of 3 ... 2 of 3 and 3 of 3" which map is on file in the Town of West Hartford, and being more particularly bounded and described as follows:

Beginning at a point said point being the Northwesterly corner of the site described herein; thence N 85° 26' 35" E, 583.44' to a point; thence N 02° 47' 50" W, 95.00' to a point; Thence N 87° 16' 29" E, 415.02' to a point, the last three courses being the adjoining property lines of the property of Sears, Roebuck and Company; thence S 04° 16' 20" W, 453.09' to a point; Thence S 01° 10' 45" E, 268.47' to a point, the last two courses being the adjoining property lines of the property of H.P. & H.P. Calhoun, A.L. & H.B. Lucas, C.C. & H.S. Parker, R.G. Denault & D.L. Lombardi, R.J. Perreault Jr., A. & H.R. Nunes, E.C. & G.Q. Kraemer, E.A. & O.J. Antolini, L.F. Killan, H.H. & J.P. Major, and S.J. & W.G. Coiro; thence S 67° 05' 23" W, 360.62' to a point; thence S 69° 35' 38" W, 894.95' to a point; the last two courses being the adjoining property lines of other property of Trust Company of the West, as Trustee to TCW Realty Fund II, and the properties of D.H. Bonczek, Clover Drive (Town Road), A & L. Bushoy, E. & V.J. Halanicek, H.B. Cassanta, B. & C.H. Scilva, V.J. & L.B. DiGalbo, F.D. & L.C. Ferreira, E.G. Stewartson, E.T. Gates, V.H. Cwiola and H. & H.A. Perkins; thence N 16° 96' 08" E, 679.45' to a point; thence N 10° 00' 58" E, 141.09' to a point; thence N 02° 28' 33" E, 69.33' to a point; thence N 03° 06' 57" W, 151.72' to a point being the point of beginning, the last four courses being the Easterly highway lines of New Britain Avenue (Route 71).

Parcel Two:

Together with that strip of land in said town bounded and described as follows:

NORTH: By the land above described, 18.7 feet, more or less

EAST: By land now or formerly of Suburban Development Corporation, 748.33 feet, more or less

SOUTH: By land formerly of First Hartford Realty Corporation

WEST: By land now or formerly of the Savings Bank of Tolland, 746.38 feet, more or less

Excluding therefrom the land conveyed to William H. Canora, et al, by deed dated June 6, 1966, and set forth in the West Hartford Land Records in Volume 421, Page 225, but including, as an appurtenance to the strip aforesaid, that easement from Kilburn Estates, Inc. set forth in a deed dated August 22, 1960, recorded in the West Hartford Land Records in Volume 333, Page 44, and the easement reserved in the said deed to William H. Canora, et al.

Together with all right, title and interest as there may be in and to those appurtenant interests, easements, rights of way or other servitudes benefiting the premises herein described, including those shown on the survey referred to above.

Parcel Three:

Together with the easement and rights thereto contained in a grant of easement from Kelburn Estate, Inc. to Five City Plaza, Inc., dated August 22, 1960 and recorded September 6, 1960 in Volume 333, Page 44 of the West Hartford Land Records.

Being the same property conveyed by Warranty Deed by AMB Property, L.P. to BPP Retail, LLC dated June 15, 1999 and recorded in Volume 2452 at Page 199 of the West Hartford Land Records.

Parcel Four (Sears Parcel):

A certain piece or parcel of land situated in the Town of West Hartford, County of Hartford and State of Connecticut, on the southerly and easterly sides of New Britain Avenue (Route 71), and being more particularly bounded and described as follows:

Beginning at a point on the northwesterly side of New Britain Avenue (Route 71), said point being the southwest corner of land now or formerly Sears Roebuck and Co. and the northwest corner of land now or formerly U.S. Retail Partners, LLC;

Thence running along the northwesterly side of New Britain Avenue North $03^{\circ}-06'-55''$ West a distance of 164.32 feet to a Connecticut Highway Department monument; along a curve to the right having a radius of 481.00 feet, central angle of $52^{\circ}-06'-01''$, length of 437.38 feet and a chord bearing of North $35^{\circ}-27'-41''$ East a distance of 422.47 feet to a Connecticut Highway Department monument; North $61^{\circ}-27'-41''$ East a distance of 6.53 feet to a Connecticut Highway Department Monument; North $61^{\circ}-31'-35''$ East a distance of 87.66 feet to a point; North $66^{\circ}-04'-59''$ East a distance of 150.65 feet to a point; North $61^{\circ}-31'-11''$ East a distance of 127.20 feet to a point; along a curve to the left having a radius of 2,065.00 feet, central angle of $10^{\circ}-20'-28''$, length of 372.71 feet and a chord bearing of North $56^{\circ}-20'-59''$ East a distance of 372.20 feet to a Connecticut Highway Department monument; North $51^{\circ}-11'-19''$ East a distance of 160.74 feet to a point;

Thence running along land now or formerly New Britain National Bank, Trustee South 00°-10'-50" East a distance of 329.59 feet to a point; South 06°-28'-42" East a distance of 126.26 feet to a point;

Thence running along the westerly side of Elmfield Street, land now or formerly of Roman Herz, land now or formerly Felicia Genoa, land now or formerly Alison M. and Robert W. Metz and land now or formerly Minnie and Michael Calhoun, partly by each, South 04°-16'-25" West a distance of 366.84 feet to a point;

Thence running along land now or formerly U S Retail Partners LLC South 87°-16'-33" West a distance of 425.02 feet to a point; South 02°-47'-46" East a distance of 95.00 feet to a point; South 85°-26'-37" West a distance of 583.44 feet to the point and place of beginning.

(c)

An Ordinance Amending An Ordinance Establishing Zoning Regulations of the Town of West Hartford

BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD:

That the Building Zone Map entitled "REVISED ZONING MAP, TOWN OF WEST HARTFORD, CONNECTICUT", which map is on file in the Town Clerk's Office of the Town of West Hartford, be and is hereby amended as follows:

The zoning designation for the parcel of land described below ("Premises") is hereby changed to amend the existing Special Development District #6 to allow Edge Fitness, proposed tenant for space previously occupied by Toys-R-Us, signage that remains lit for 24 hours or for a half hour after Edge Fitness closes, façade changes to the front of the club including along the walkway between parking areas, additional windows on the side and rear (south and east elevations) of the building to illuminate the interior, and improvements to the pedestrian walkway area including landscaping enhancements, as those application documents and plans may have been changed, conditioned or otherwise approved by the West Hartford Town Council and filed in the office of the West Hartford Town Clerk.

The zoning designation for the parcel of land described below ("Premises") is hereby changed to amend the existing Special Development District #6 to construct a new, free standing approximately 6,051 square foot retail building, all in accord with application documents and plans for the Premises submitted to the West Hartford Town Council on or about December 2, 2013, and as those application documents and plans may have been changed, conditioned or otherwise approved by the West Hartford Town Council and filed in the office of the West Hartford Town Clerk.

Premises: That certain piece or parcel of land situate, lying and being in the Town of West Hartford, County of Hartford and State of Connecticut, on the East side of and known as Nos.1451-1499 New Britain Avenue, as more particularly shown on a survey entitled "Property Survey Map CORBINS CORNER 1459 New Britain Avenue (Route 71) West Hartford Connecticut Igor Vechesloff Professional Engineer & Land Surveyor 51 Lorraine Street Hartford, Connecticut Scale 1"=60' Date 12-18-1995 Drawing No. 1 of 3 2 of 3 and 3 of 3" to be filed in the West Hartford Land Records and being more particularly bounded and described as follows:

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(d)

Regency
Centers.

28 Church Lane
2nd Floor
Westport, CT 06880

203 635 5560
RegencyCenters.com

AFFADAVIT OF INTEREST

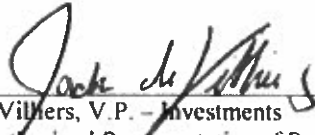
The undersigned, being duly sworn, hereby deposes and says:

The names and addresses of any person, firm or corporation having a direct or indirect interest in a personal or financial sense in the application by FW CT – Corbin Corner Shopping Center, LLC to amend Special Development District #6 (1445-1459 New Britain Avenue) (“SDD #6”) to allow Edge Fitness, proposed tenant for space previously occupied by Toys-R-Us, signage that remains lit for 24 hours or for a half hour after Edge Fitness closes, façade changes to the front of the club including along the walkway between parking areas, additional windows on the side and rear (south and east elevations) of the building to illuminate the interior, and improvements to the pedestrian walkway area including landscaping enhancements, all within the Corbins Corner Shopping Center at 1459 New Britain Avenue (“Premises”), are as follows:

1. FW CT-Corbins Corner Shopping Center, LLC as owner of the Premises. FW CT – Corbins Corner Shopping Center, LLC is a Delaware limited liability company. The sole member of the LLC is FW-Reg II Holdings, LLC, a Delaware limited liability company, the sole member of which is GRI-Regency, LLC, a Delaware limited liability company. The managing member of GRI-Regency, LLC is Regency centers, L. P., a Delaware limited partnership. The general partner of Regency Centers, L. P. is Regency Centers Corporation, a publicly-traded Florida corporation with an address of One Independent Drive, Suite 114, Jacksonville, Florida 32202-5019.
2. SF WH Property Owner LLC, owner of land within SDD #6 at 1445 New Britain Avenue. No changes are proposed for that portion of SDD #6. Its address is c/o Scritage Growth Properties, 500 Fifth Avenue Suite 1530, New York, NY, 10110.
3. Edge Fitness Club, a Delaware limited liability company with a business address of 50 Boston Post Road, Orange, CT 06477, intended tenant.


Further your affiant sayeth not.

Executed this 28th day of December 2018.



Jack de Villiers, V.P. – Investments
Duly Authorized Representative of Regency Centers Corporation, a
Florida Corporation for FW CT – Corbins
Corner Shopping Center, LLC

Subscribed and sworn to before me this 29 day of December, 2018.



Notary Public STEFANIE GIORDANO
My Commission Expires: 8/31/23

(e)

Description of Proposed Use

The Applicant proposes to amend SDD #6 to allow Edge Fitness, proposed tenant for space previously occupied by Toys-R-Us, signage that remains lit for 24 hours or for a half hour after Edge Fitness closes, façade changes to the front of the club including along the walkway between parking areas, additional windows on the side and rear (south and east elevations) of the building to illuminate the interior, and improvements to the pedestrian walkway area including landscaping enhancements.

No noise, vibration, radiation, odor or dust, smoke, gas fumes, or other atmospheric pollution is expected to be produced from the operation and maintenance of the retail building, other than customarily generated from such retail uses.

(f)

WHBHD



December 6, 2013

Robin Pearson
Alter & Pearson, LLC
701 Hebron Avenue
P.O. Box 1530
Glastonbury, CT 06033

**Re: Letter of Sewer Adequacy
1445 – 1459 New Britain Avenue
West Hartford, CT.**

Dear Attorney Pearson,

The sanitary sewer line that services the above-referenced property appears adequate under normal conditions to accept the peak flow expected to result from the proposed use of this property described in your November 27, 2013 correspondence to this office.

It is our understanding this amendment proposes to construct 6,051 square feet of new retail space. Further, proposed new construction location is indicated site plan SP-1. In addition the proposal is for the new retail space to be free standing in any area presently used for parking of customer vehicles for existing retail use.

Contingent upon an acceptable sewer discharge plan by the MDC and an acceptable storm water discharge plan by the Town Engineer, please consider this letter as our statement of adequacy under Section 177-44. C.(1)(e) of the Code of the Town of West Hartford.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Huleatt', with a horizontal line extending to the right.

Steven J. Huleatt, MPH, RS
Director of Health

Cc: Todd Dumais
Cathy Dorau

West Hartford-Bloomfield Health District
580 Cottage Grove Road, Suite 100, Bloomfield, CT 06002
(860) 561-7900 • Fax: (860) 561-7918

(f)

Soares, Joshua

From: Brezeale, Brandon <BBrezeale@themdc.com>
Sent: Friday, November 22, 2013 11:33 AM
To: Gradwell, Raymond
Cc: Eschert, James; Manning, Mary; Soares, Joshua
Subject: New Britain Ave, West Hartford
Attachments: mdc_srp_49_WestFarms.pdf; mdc_srp_CloverttoCorbinShopping.pdf; mdc_WRP 32-48.pdf; mdc_WRP_32-49.pdf; WestHartfordSewerMap_WestFarms.pdf; WestHartfordWaterMap_West Farms.pdf

Ray,
Attached are the record plans for the proposed retail development located at 1459 New Britain Avenue, West Hartford.

There is currently a 12" cast iron water main located in New Britain Avenue that fronts the property.

There is no sewer that currently fronts the property along New Britain Avenue. The current development ties into a manhole and 12" RCP located at the northern end of Clover Drive on the backside of the current development. There is also a 12" tile sewer the ties into the southern end of Clover Drive and across New Britain Ave into West Farms Mall. To get sewer service to the proposed retail pad, an extension of either main would be needed (approx. 800-1,000 ft extension).

Based on the flow rate of 605gpd provided by BL Companies, it is anticipated the District will have capacity for both water and sewer service connections.

Please note that the District requires the sanitary lateral to be a minimum of 6" in diameter and that a Developers Permit Agreement would be needed for the extension of the sanitary sewer. Connection Permits for the water and sewer services will also be required from the MDC Utility Services group.

Please let me know if you have any questions or concerns.

Regards,



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