

**PLANNING & ZONING COMMISSION  
1 ELIZABETH ST. , DERBY , CT 06418**

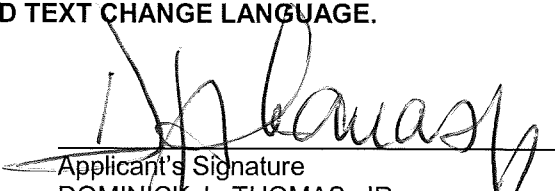
**APPLICATION FOR CHANGE OF ZONE OR ZONE TEXT CHANGE**

The undersigned applicant hereby requests the Zoning Commission of the City of Derby to change the zoning regulations in accordance with the state and local zoning laws applicable thereto.

DATE SUBMITTED: **July 26, 2018**

FEE: **\$1,000.00**

1. APPLICANT: **T.H.C. THE HOPS COMPANY, LLC**
2. ADDRESS: **c/o Atty. Dominick Thomas, 315 Main Street, Derby, CT 06418**
3. TELEPHONE #: **203-735-9521** E-MAIL: **djt@cohen-thomas.com**
4. INTEREST: **(X) Owners** **( ) Agent**
5. Other persons, firms or corporations represented by applicant: **N/A**
6. ADDRESS:
7. TELEPHONE #:
8. INTEREST: **( ) Owners** **( ) Agent**
9. LOCATION OF PROPOSED CHANGE: **N/A**
10. LEGAL DESCRIPTION OF PROPERTY: LOTS ( ) BLOCK ( ) ADDITION ( )
11. AREA OF SUBJECT PROPERTY - SQ. FEET OR ACRES: **N/A**
12. PRESENT ZONE: **N/A**
13. PROPOSED ZONE: **N/A**
14. Describe briefly the nature and expected effect of the change. Be sure to include an explanation legal basis for the proposal: either (a) the error in the map as approved by city council, or (b) the changed or changing conditions making the proposed change necessary:  
  
**THE PROPOSED TEXT CHANGE IS TO PROPOSE DEVELOPMENT DISTRICT ZONING TO PERMIT THE COMMISSION TO BETTER ADDRESS ADAPTIVE REUSE, NONCONFORMING USES AND USES THAT ARE NOT EASILY ADDRESSED WITHING ESTABLISHED DISTRICTS OVER MULTIPLE PARCELS.**
15. Use and development proposed for the property to be re-zoned, including time schedule for such development. **N/A**
16. Exhibits submitted, number & kind: **PROPOSED TEXT CHANGE LANGUAGE.**

  
Applicant's Signature  
DOMINICK J. THOMAS, JR.  
ATTORNEY FOR APPLICANT

**PROPOSED ZONING REGULATION TEXT CHANGE  
SECTION 195-16(A) (SUGGESTED)  
DERBY DEVELOPMENT DISTRICT (DDD)**

1) **Statement of Intent and Purpose:**

- a) The intent of a Derby Development District (DDD) is to encourage and accommodate unique and desirable development that will be consistent with the long range, orderly development of an area but is not accommodated by the established conventional zoning of that area by virtue of use (including nonconformities) and/or area, location, and bulk standards, and/or need for adaptive re-use. Each DDD is an independent zoning district created to accomplish a specific purpose, complete with its unique and narrowly drawn permitted uses and bulk standards and other applicable zoning provisions, whether set forth specifically therein or incorporated by reference to the applicable provisions of the zoning regulations.
- b) DDDs shall be in used in areas where there are existing commercial uses or transitional areas where residential and commercial uses are in close proximity. The Commission should perform a land use analysis which may include, among any issues the Commission deems relevant, existing or past uses, adaptive reuse of nonconforming structures and/or uses and economic development.
- c) The commission may consider topography, natural vegetative buffers, impact on wetlands and water courses, and unique natural features when determining bulk standards for a development proposed for a DDD.
- d) The Commission shall establish the DDD by approving an application for Initial Concept Development in accordance with this Section, which, while not intended to be a substitute for detailed documentation associated with a site plan, provides sufficient information to determine whether the proposal is in general conformance with the

requirements of this Section and the advisory nature of the Plan of Conservation and Development (POCD). Such adoption shall constitute a zoning map amendment in accordance with Section 195-140, as may be amended, of these Regulations.

**2) DDD Eligibility.** The following characteristics are required for a site to be eligible for the DDD designation:

- a) Public water and public sewers shall be provided.
- b) Minimum District Size: 60,000 square feet

**3) Appropriateness:** In determining the appropriateness of the proposed DDD Zone, the Commission shall consider the following factors:

- a) Accessibility to major roads and proximity to community services.
- b) Physical characteristics of the lot.
- c) The existing municipal infrastructure's capability to support the proposed development.
- d) Pre-existing uses on the site which may be legal nonconforming and better addressed under regulation by the Commission.
- e) The Commission may consider any other factors that it deems applicable to a change of zone request.

**4) Initial Concept Development:**

- a) The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to the requirements and appropriateness as defined in this section. A proposed Statement of Uses and Standards shall be submitted as part of the Master Plan. Once adopted, the Master Plan shall establish the dimensional characteristics of the DDD and its uses.

- b) Project Phasing/Construction. When a mixed-use development is proposed the Commission may require the residential portion of the development to be constructed simultaneous to the commercial or business portion of the development.
- c) Changes to the Master Plan:
  - (i) Any modifications that decrease the dimensional elements (e.g. reduction of building size) shall follow the Site Plan Procedures in Section 195-30 et seq.
  - (ii) Any modifications that increase the dimensional elements in the Master Plan (e.g. expansion of building size) shall follow the Special Exception Procedures in Section 195-44 et seq.
  - (iii) Any modifications to the use elements in the Statement of Uses and Standards of the Master Plan or in the size of the Master Plan parcel shall follow the Zoning Amendment Procedures in Section 195-140.

**5) Findings Required for Initial Concept Development Approval:** Prior to approval of an

Initial Concept Development, with or without conditions and/or modifications, the Commission shall make the following findings:

- (a) The Plan possesses features consistent with the intent of the DDD.
- (b) The qualifying standards of the DDD have been satisfied.
- (c) Provisions for traffic flow, water, sanitary sewer service, storm water management and are adequate and acceptable.
- (d) Given the proposed use and/or existing or past uses on the property and existing uses in the area, there is no negative impact on surrounding properties or on property values in the area.
- (e) The Commission does not believe it is in the best interest of the community to place the use with an entire existing zone;

- (f) The DDD will be consistent with any comprehensive plan of development adopted by the Commission for the area in which it is located; and
- (g) The public streets and intersections are or will be suitable and adequate to accommodate anticipated traffic.

**6) Site Plans:**

- (a) As part of or after Master Plan approval, a site plan application must be submitted for approval in accordance with Section 195-30 et seq., which shall include all the information required by the approved Master Plan.
- (b) Site Plans may be submitted in phases provided that such phases encompass not less than the minimum required tract size and include all those public amenities and features used as a public protection for the surrounding area. Such phases shall be capable of complete and self-sufficient existence without the completion of the remaining phases.
- (c) Site Plans must be submitted within 24 months of Master Plan Adoption. The Master Plan shall become null and void if the Site Plan is not approved within that timeframe and the Commission shall act to return the parcel to its original zone or such zone as the Commission deems appropriate.

**7) Informal Consideration:** The applicant may review with the Commission and/or its staff in a preliminary and informal manner any proposal for a DDD. The Commission or its staff may request that the applicant submit such additional information as may lead to a rendering of non-binding comments or opinions by the Commissioners. The applicant shall submit in writing to the Planning and Zoning Department a request for a preliminary staff review, accompanied by a fee to defray the added staff costs associated with said preliminary review. Said fee, payable to the City of Derby, shall be in an amount

determined by the Commission and set forth in the Schedule of Fees included in the Appendix hereto.

**8) Additional Limitations:**

(a) Adoption of a DDD by the Commission shall constitute authorization to establish the uses, buildings, structures and site development in accordance with the standards and Site Plans adopted by the Commission for the District and in accordance with detailed specifications approved by the Commission.

(b) The development authorized by the Commission shall be completed within five (5) years from the effective date of the District, except that the Commission may extend the time for completion for one (1) year periods after public hearing for good cause demonstrated to the satisfaction of the Commission; otherwise the Commission shall be deemed authorized by the owner or owners of land within the District to amend these Regulations and the Zoning Map, deleting the DDD and establishing for such land the provisions of another zoning district.

**9) Bonds:** The petitioner shall file with the Commission a Performance Bond, in form, amount and surety approved by the Commission, to guarantee the faithful performance of the municipal improvements to be undertaken within the public rights-of-way. In addition, a separate Bond shall be posted to guarantee the site restoration and proper installation, maintenance and repair of all sediment and erosion control measures in a timely fashion to the satisfaction of the Commission.