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July 26, 2018

Hand-delivery

Theodore J. Estwan, Chairman
Planning and Zoning Commission
City of Derby
1 Elizabeth Street
Derby, CT 06418

REVIEWED FOR CODE COMPLIANCE

Re: Petition / Application: to approve a zone text amendment to create a NEW Planned Development District Zone, Article III, Section 195-24, whereby existing Article III, Section 195-24, "Zoning Map," will remain, but be renumbered to Article III, Section 195-25 ("Application").

Petitioner / Applicant: Derby Downtown, LLC ("Applicant").

Dear Chairman Estwan and Members of the Planning and Zoning Commission,

The undersigned represents the Applicant, Derby Downtown, LLC, concerning the above-referenced Application. The Applicant is the owner and developer of real properties that may be subject to the Application and its provision for a new Planned Development District Zone ("PDD Zone").

Specifically, the Application creates a new PDD Zone, which may be utilized and applied within the Center Design Development District Zone ("CDD Zone"), subject to specific criteria. The purpose of the PDD Zone is to encourage the adaptive reuse and redevelopment of real properties located within the CDD Zone in the Downtown Derby area. This flexible PDD Zone shall be subject to zone change, special exception and site plan review and approval, as provided in the proposed zone text amendment.

Theodore J. Estwan, Chairman
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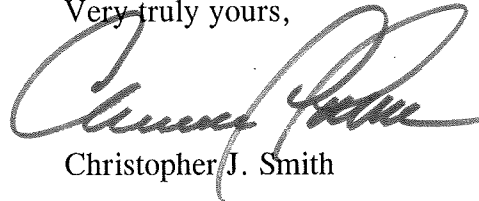
The Applicant respectfully submits that the proposed PDD Zone text amendment is consistent with Derby's comprehensive plan (Zoning Regulations and Zone Map), and Derby's Plan of Conservation and Development ("POCD"). In addition, the proposed text amendment will not adversely impact the public health, safety or welfare.

The undersigned respectfully encloses the Application, including the proposed PDD Zone regulations (Exhibit A), and "Summary of the Nature, Expected Effect and Legal Basis" for the PDD Zone (Exhibit B). A check for the requisite filing fee is also enclosed.

Downtown Derby, LLC, its members and team, look forward to processing this exciting PDD Zone text amendment with the Commission. We believe that it's an essential first step to provide a valuable zoning mechanism to assist with the revitalization of Downtown Derby.

Thank you for your anticipated assistance and cooperation concerning this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Smith", written over a horizontal line.

Christopher J. Smith

Cc: Downtown Derby, LLC (with enclosures)
Milone and MacBroom, Inc., City Planners (with enclosures)
Cohen and Wolf, P.C., City Attorneys (with enclosures)

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 zone of property hereinafter described in accordance with the state and local zoning laws applicable thereto.

DATE SUBMITTED July 26, 2018

FEE _____

1. APPLICANT Derby Downtown, LLC

2. ADDRESS 23 Factory Street, Derby, CT 06418

3. TELE. # 860-251-5606 (Telephone for Attorney/Agent: Christopher J. Smith)

4. INTEREST: (X) Owners (X) Agent

5. Other persons, firms or corporations represented by applicant.
N/A

6. ADDRESS N/A

7. TELE. # N/A

8. INTEREST: (N/A) Owners (N/A) Agent

9. LOCATION OF PROPOSED CHANGE: Text Amendment

10. LEGAL DESCRIPTION OF PROPERTY: LOTS(N/A) BLOCK(N/A) ADDITION(N/A)

11. AREA OF SUBJECT PROPERTY, SQ. FEET, OR ACRES Text Amendment

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 of the 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.

15. Use and development proposed for the property to be re-zoned, including time schedule for such development.

16. Exhibits submitted, number & kind. Please see proposed text amendment for a Planned Development District Zone (Exhibit A), and "Application for Zone Text Amendment Summary of the Nature, Expected Effect and Legal Basis" (Exhibit B).

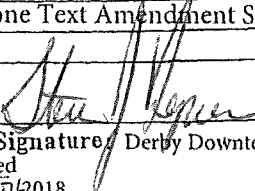

Applicant's Signature Derby Downtown, LLC
Duly Authorized
Date: July 26 2018

EXHIBIT A

PLANNED DEVELOPMENT DISTRICT ZONE - PROPOSED NEW ARTICLE III, SECTION 195-24 (WHEREBY EXISTING ARTICLE III, SECTION 195-24, "ZONING MAP," TO BE RENUMBERED AS ARTICLE III, SECTION 195-25)

- A. Intent and Purpose: The purpose and intent of the Planned Development District Zone ("PDD Zone") is to encourage the adaptive reuse and redevelopment of real properties located within the Center Design Development District Zone ("CDD Zone"), consistent with the intent and purpose of the CDD Zone and Derby's Plan of Conservation and Development ("POCD"). The PDD Zone will provide for modifications to the strict standards and provisions of the CDD Zone by allowing for the creation of a PDD Zone with specified standards and provisions associated with a "Master Plan of Development," as provided herein. The PDD Zone is intended for uses to be located on parcels of real property of sufficient size to accommodate compatible and cohesive land uses that: (a) increase the City's economic vitality in Downtown Derby, in particular by promoting redevelopment within the area located south of Main Street; (b) encourage mixed-use development with diverse housing opportunities that support locally-oriented businesses and cultural institutions; (c) promote a variety of retail, service and related commercial uses to serve both local needs and attract on a regional basis; (d) coordinate the placement, location and interconnectedness of buildings that maintain the architectural character and appearance of the downtown; and (e) promote an attractive pedestrian environment with access to potential greenway and transportation corridors.
- B. Establishment of a Planned Development District Zone:
- (1) The Commission may establish a PDD Zone by:
- (a) Approving a PDD Zone, which shall include a Master Plan of Development, as provided herein. In addition to those requirements provided in this Section 195-24, an application for PDD Zone approval shall comply with the filing and procedural requirements of Article XIX, Section 195-140, entitled, "Amendments," including all notice requirements.
 - (b) Once a PDD Zone is approved, the properties within the PDD Zone shall be changed on the Zoning Map from their current zone district designation of CDD Zone, to PDD Zone.
 - (c) Within two years of the PDD Zone approval, a site plan constituting a final development plan shall be submitted, as

provided by Article V of these Regulations. Site plans may be submitted on a phase by phase basis within the approved PDD Zone. The Commission may approve one year extensions for filing a site plan for final development approval not to exceed an additional three years to accommodate the orderly build-out of the approved PDD Zone.

- (d) Any area of land within the PDD Zone, which is not subject to a site plan application for final development plan approval filed within five years of the PDD Zone approval, shall revert back to the CDD Zone. After providing written notice to the owner of any land that is not subject to a timely application for site plan approval, the Commission may cause the Zoning Map to be modified whereby the land, not subject to a timely site plan application, will revert to the CDD Zone. When causing this Zoning Map to be modified whereby the land reverts back to the CDD Zone, the Commission shall comply with the procedural requirements of Article XIX, Section 195-140, including all notice requirements.
- (2) PDD Zone eligibility: The following are minimum requirements for a PDD Zone application:
 - (a) The property shall be located within the CDD Zone.
 - (b) The minimum PDD Zone size shall be five (5) acres.
 - (c) The PDD Zone shall be located within the Downtown Derby area and south of Main Street.
 - (d) The PDD Zone shall have access to public sewer and water.
 - (e) The PDD Zone shall have access to Main Street, or another arterial roadway, as designated such in the Derby POCD.
- (3) Considerations for a PDD Zone - the PDD Zone shall:
 - (a) Permit uses, subject to specified standards, requirements and provisions, consistent with these Regulations.
 - (b) Not permit the following uses, which shall be prohibited in a PDD Zone:
 - (i) Check-cashing businesses, except as part of a bona-fide bank, credit union, or financial institution.
 - (ii) Commercial laundries with dry-cleaning operations on site.
 - (iii) Correctional institutions.
 - (iv) Gas stations and service stations.
 - (v) Heavy equipment sales and service.

- (vi) Industrial uses that create nuisance or emit noticeable or objectionable noise, light or odors.
 - (vii) RV, mobile home, or manufactured home sales and service.
 - (viii) Salvage or vehicle storage yards.
- (c) Be designed to allow for the development, redevelopment or adaptive reuse of properties consistent with the CDD Zone, Derby's POCD, and the intent and purposes of this Section 195-24.
 - (d) Provide appropriate architectural enhancements compatible with Downtown Derby.
 - (e) Provide for access to major roadways, transit-oriented development hubs, public greenways when possible, and other transportation linkages.

C. Master Plan of Development:

- (1) A PDD Zone application shall include a Master Plan of Development. The purpose of the Master Plan of Development ("Plan") is to determine whether the PDD Zone, including proposed uses, site design and bulk/area requirements:
 - (a) Conforms to the intent and purpose of this Section 195-24.
 - (b) Satisfies the site plan objectives provided in Article V, Section 195-31.
 - (c) Satisfies the special exception considerations for approval provided in Article VI, Section 195-48.
- (2) The Plan shall establish specific permitted uses for the PDD Zone, subject to Section 195-24(B)(3)(b), herein.
- (3) The Plan shall establish applicable bulk / area requirements for the proposed uses and provide a zone data table depicting such.
- (4) The Plan shall include site plan drawings and documentation depicting or addressing the following:
 - (a) The boundaries for the PDD Zone and the existing zone district boundaries for the property subject to the PDD Zone application.
 - (b) Existing buildings and structures located on the property within the PDD Zone, and proposed buildings and structures, including information pertaining to existing and proposed topography.

- (c) Proposed streets and roadways, including associated off-street parking facilities, if any, location, size and number of parking spaces, access drives and pedestrian walkways.
- (d) Utility information, including sewerage disposal, water supply, and electrical or gas supply, which confirms both the availability of, and capacity for, adequate utility service for the PDD Zone, as proposed.
- (e) An exterior lighting plan that demonstrates that the lighting will not adversely impact adjacent properties.
- (f) Proposed landscaping treatment, and related public or open space areas and screening.
- (g) A location map depicting the PDD Zone's location within the City's vehicular and pedestrian circulations patterns, including intersections, within 500 feet of the PDD Zone.
- (h) A traffic study, which includes an impact analysis that extends to the critical intersections in the vicinity of the PDD Zone, and proposed vehicular and pedestrian circulation patterns within the PDD Zone.
- (i) A detailed statement of the proposed uses and table depicting applicable bulk/area requirements for the PDD Zone consistent with the bulk/area requirement provisions for all other zone districts, as provided in these Regulations.
- (j) The Commission may require additional information as the Commission deems necessary to properly evaluate the proposed PDD Zone for compliance with these Regulations.

D. Site Plan: a site plan seeking final detail plan approval as provided herein, shall comply with the filing requirements for a site plan application, as provided in Article V, Sections 195-32, 195-33 and 195-34. The Commission may require the additional plans and reports provided in Section 195-35. The site plan shall be substantially and materially consistent with the approved Master Plan of Development for the PDD Zone. A site plan application may be filed with, and processed by, the Commission contemporaneously with a PDD Zone application, as provided herein.

E. Modifications to the PDD Zone and Master Plan of Development:

- (1) Any modification that involves a material or substantial change to an approved PDD, or a related approved site plan, shall be subject to amending the PDD, including the Master Plan of Development, as provided by Sections 195-24(B) and 195-24(C), herein, and, if applicable, any related approved site plan, as provided by Section 195-24(D), herein.
- (2) Any modification that does not involve a material or substantial change to an approved PDD, or a related approved site plan, shall be subject to amending the Master Plan of Development and, if applicable, any related approved site plan, by submitting a site plan application, as provided by Section 195-24(D), herein. An amendment to the PDD and Master Plan of Development, as provided by Sections 195-24(B) and 195-24(C), herein, is not required.

EXHIBIT B

Application for Zone Text Amendment - Summary of the Nature, Expected Effect and Legal Basis

Planned Development District Zone - NEW Article III, Section 195-24 (whereby existing Article III, Section 195-24, "Zoning Map," to be renumbered as Article III, Section 195-25).

The purpose and intent of the Planned Development District Zone ("PDD Zone") is to encourage the adaptive reuse and redevelopment of real properties located within the Center Design Development District Zone ("CDD Zone") in the Downtown Derby area. Any PDD Zone will have access to public water and sewer, and to Main Street or another arterial roadway as designated such in the Derby Plan of Conservation and Development ("POCD"). Any PDD Zone will be consistent with the intent and purpose of the CDD Zone and Derby's POCD. The PDD Zone will provide for modifications to the strict standards and provisions of the CDD Zone by allowing for the creation of a PDD Zone with specified standards and provisions associated with a "Master Plan of Development," as provided herein. The PDD Zone is intended for uses to be located on parcels of real property of sufficient size to accommodate compatible and cohesive land uses that: (a) increase the City's economic vitality in Downtown Derby, in particular by promoting redevelopment within the area located south of Main Street; (b) encourage mixed-use development with diverse housing opportunities that support locally-oriented businesses and cultural institutions; (c) promote a variety of retail, service and related commercial uses to serve both local needs and attract on a regional basis; (d) coordinate the placement, location and interconnectedness of buildings that maintain the architectural character and appearance of the downtown; and (e) promote an attractive pedestrian environment with access to potential greenway and transportation corridors. A proposed PDD Zone, and any related site development proposal, shall be subject to zone change, special exception and site plan review and approval, as provided in the proposed text amendment.

The applicant respectfully submits that the proposed PDD Zone text amendment is consistent with Derby's comprehensive plan (Zoning Regulations and Zone Map), and Derby's POCD. In addition, the proposed PDD Zone text amendment will not adversely impact the public health, safety or welfare.