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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

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

July 26, 2018

Page Two

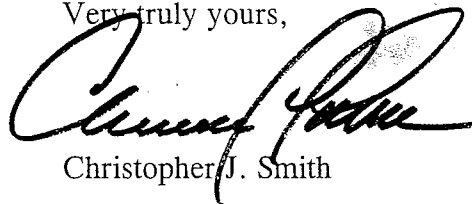
The Applicant respectfully submits that the proposed PDD Zone text amendment is consistent with Derby's comprehensive plan (Zoning Regulations and Zone Map), and Derby's Plan of Conservation and Development ("POCD"). In addition, the proposed text amendment will not adversely impact the public health,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



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: () Owners () Agent
5. Other persons, firms or corporations represented by applicant.
N/A
6. ADDRESS N/A
7. TELE. # N/A
8. INTEREST: () Owners () Agent
9. LOCATION OF PROPOSED CHANGE: Text Amendment
10. LEGAL DESCRIPTION OF PROPERTY: LOTS() BLOCK() ADDITION()
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).

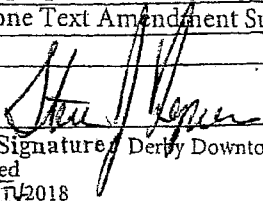

Applicant's Signature, Derby Downtown, LLC
Duly Authorized
Date: July 26, 2018

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.

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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.

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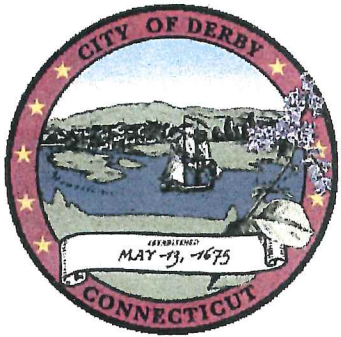
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DERBY ZONING MAP

City Of Derby, Connecticut

Legend

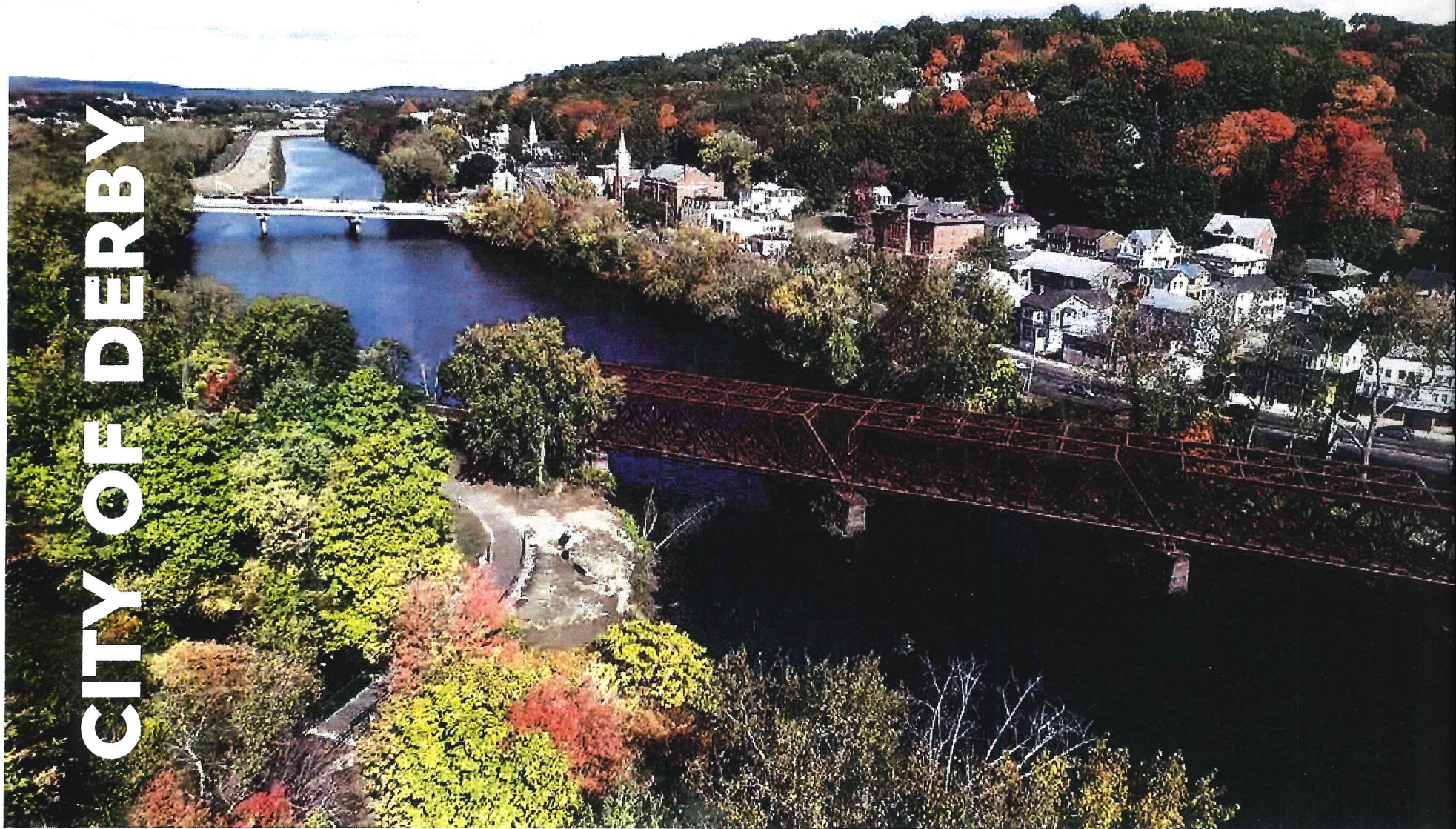
| | | | | | |
|------------------------------------------------------------------------------------|----------------------------|-------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------------------------------|------------------------------------------------|
|  | Residential - 1 (R-1) |  | Center Residence (CR) |  | Public and Semi-Public (P) |
|  | Residential - 2 (R-2) |  | Center Design Development (CDD) |  | Open Space (OS) |
|  | Residential - 3 (R-3) |  | Mill Design District (MDD) |  | Hospital/Campus (HC) |
|  | Residential - 4 (R-4) |  | Business - 1 (B-1) |  | Aquifer Protection Area (Effective 3/16/10) |
|  | Residential - 5 (R-5) |  | Business - 2 (B-2) | | |
|  | Residential - 6 (R-6) |  | Industrial -1 (I-1) | | |
|  | Residential Multiple (R-M) |  | Industrial Campus District (I-C) | | |



Adopted: 1/18/2000
 Effective: 3/20/2000
 Amended To: 5/30/2017

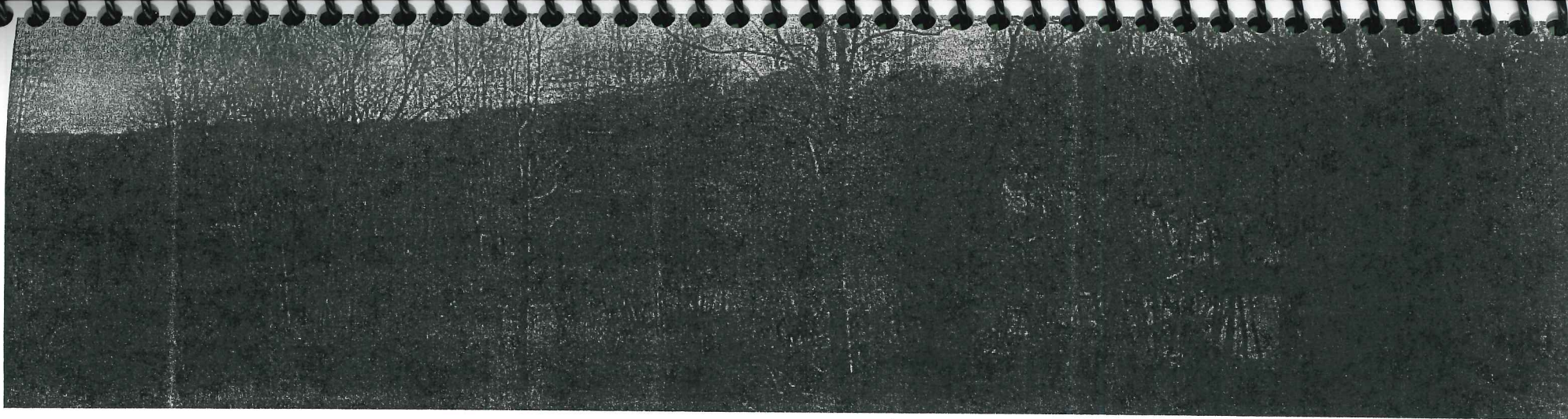


CITY OF DERBY



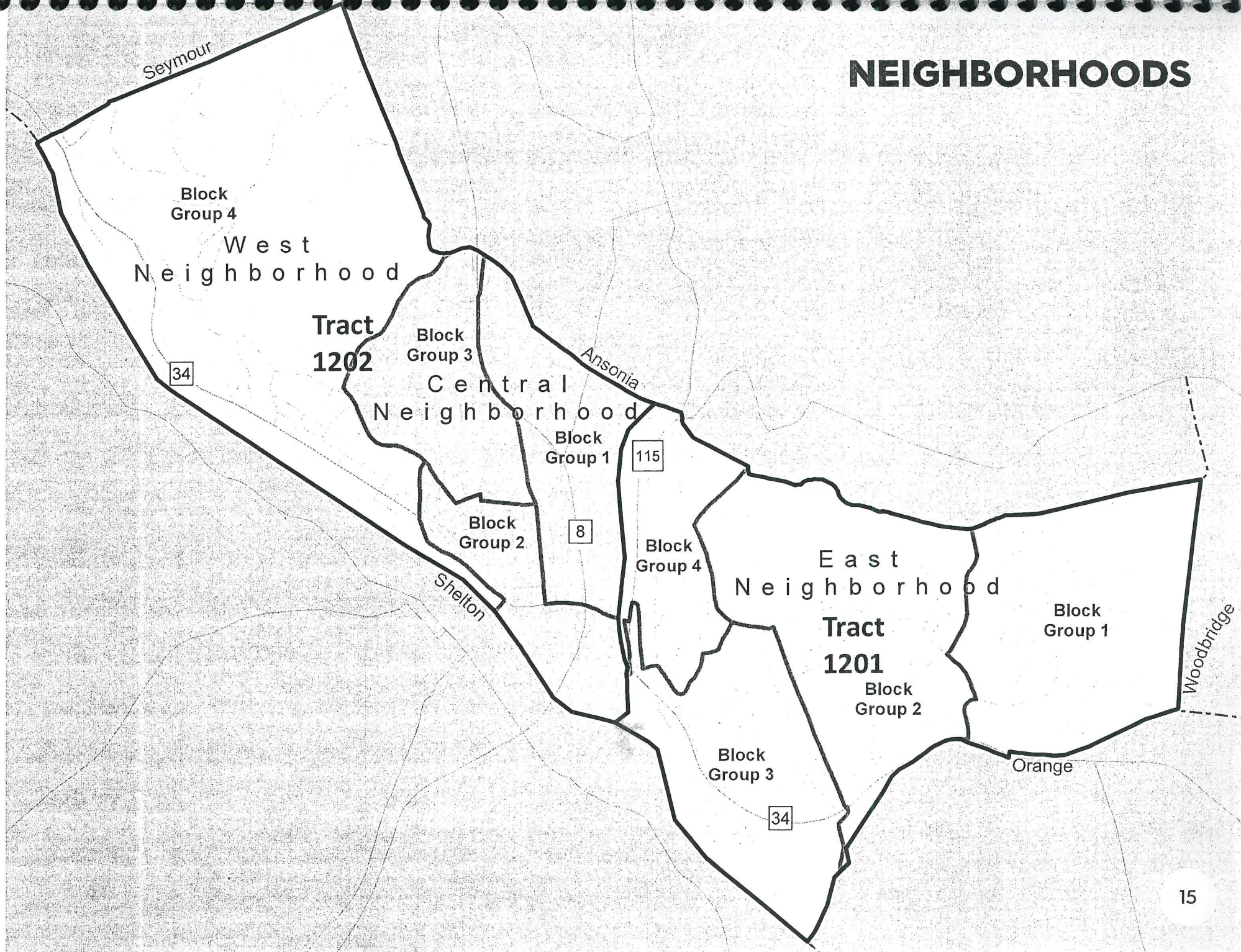
2016 Plan of Conservation and Development

City of Derby, Planning and Zoning Commission



- **Improve** Derby's public education system and school facilities to meet modern learning needs and technology demands.
- **Upgrade** and provide better access to the Derby-Shelton rail station from the downtown area.
- **Improve** the City's retail portfolio through the attraction of more diverse shopping, dining, and entertainment opportunities.
- **Revitalize** Derby's City Center through well-planned commercial development, neighborhood enhancement programs, and streetscape improvements.
- **Encourage** and **promote** higher density and mixed-use transit supportive developments within walking distance of the Derby-Shelton rail station.
- **Encourage** more owner-occupied housing, especially in the downtown area.
- **Provide** more housing for seniors and young professionals.
- **Encourage** the renovation of distressed properties.
- **Support** and **promote** the adaptive reuse of older former industrial buildings for residential and/or commercial activities.

NEIGHBORHOODS



HOUSING AND RESIDENTIAL DEVELOPMENT

11. **Construct** a bicycle path and pedestrian walkway into and through the Derby-Shelton rail station property with a terminus at the boarding area and direct connections to the Derby Greenway Trail and planned Route 34 cycle track. This action includes constructing a path, ramp, and steps up the embankment at the south end of the site to the existing sidewalks along Route 34. Decorative elements should be installed to visually highlight the distinct paths for walkers and bicyclists and alert drivers of their presence in the area.

12. **Install** decorative lighting throughout the Derby-Shelton rail station site.

13. **Increase** downtown parking availability as needed and improve existing garages, especially to support business activity.

The City of Derby contains a fairly diverse housing stock with about half of all residential housing units defined as single-family attached or detached units; the remaining stock is defined as multiple units.

The median year of construction for Derby's housing units is 1955. Most units were constructed prior to 1970; nearly one-quarter of the City's residential units were built before 1940. This data is consistent with responses to the online survey.

60% of all survey respondents indicated that their home was over fifty years old. Despite this, most felt that their homes were in good condition; only 28% stated that the structure needed some improvement; no one indicated that their home was in poor condition.

Conversely, many respondents commented that, in general, Derby's housing stock needs renovation and there is a need to improve the condition and quality of housing.



The median value of owner-occupied housing in Derby is \$221,400 (2013). This value is lower than for all homes in New Haven County (\$256,900) and Connecticut (\$278,900).

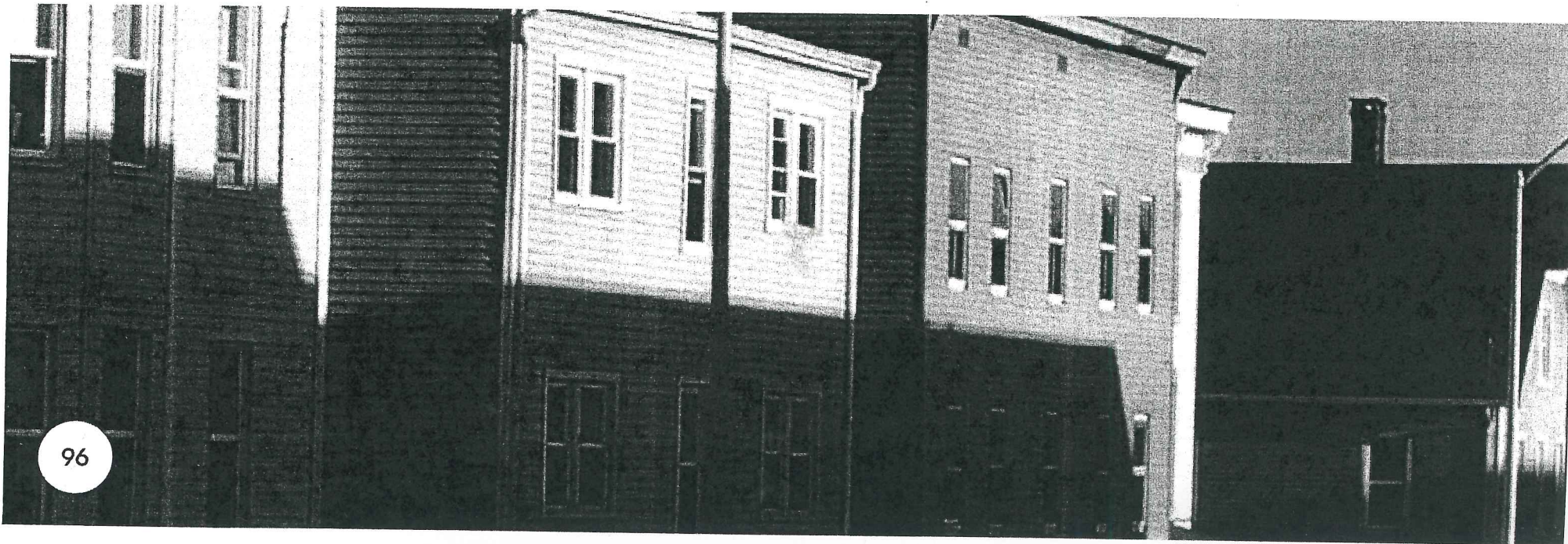
The cost of owning a home is relatively affordable in Derby. For the majority of home-owners, mortgage payments consume less than 35% of household income. However, for half of the renters living in the City, the monthly cost of housing represents more than 35% of their monthly household income. This projection is based on a median monthly rent of \$1,079.

In general, there are few remaining undeveloped parcels suitable for new residential development. And, there are differing opinions regarding the type, style, and affordability of new housing that might be constructed in the City. Some

survey respondents voiced concern about the number of multi-family housing units in Derby, going as far as to suggest the City reduce the number of existing units. Others stated that the City should provide more housing options, such as multifamily residences for young professionals.

In addition, respondents expressed an interest in expanding senior housing in Derby. Specifically, they indicated a desire for alternative housing options including 1-bedroom and 2-bedroom age-restricted developments with on-site services.

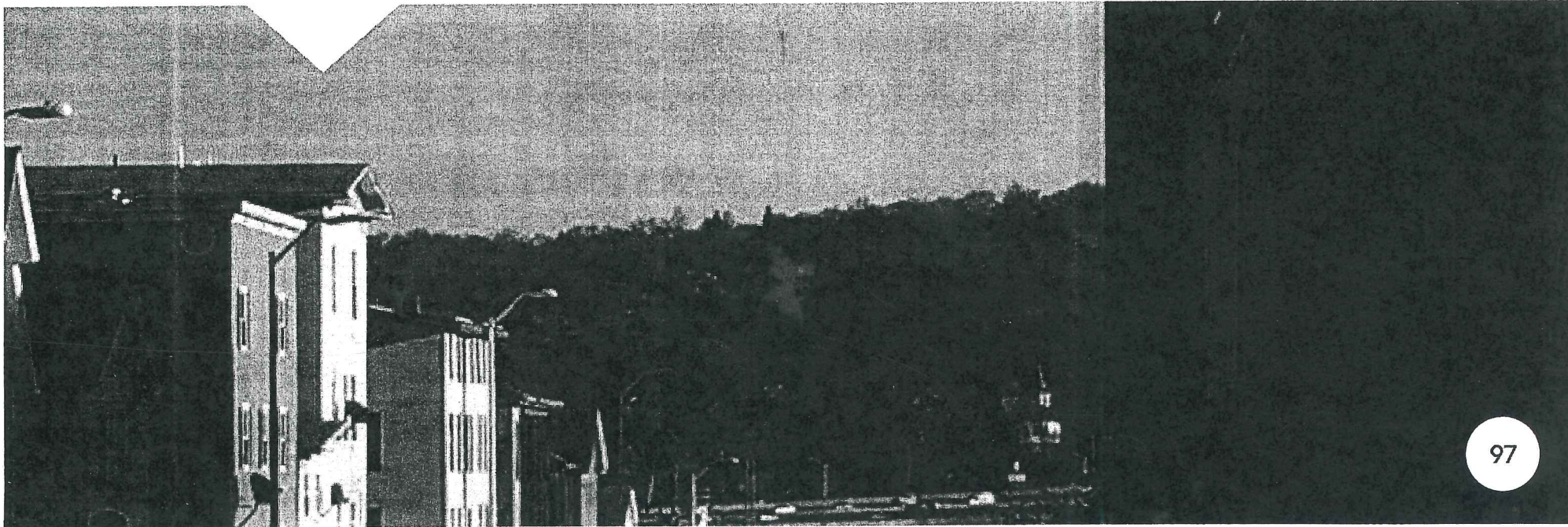
Despite these differences, most view Derby's diversity and affordability of housing stock as an asset.



Derby's diverse housing stock, affordability, central location, and public transit options should make it an attractive alternative for residential investment. The following strategies will assist the City in meeting current and future housing needs while accommodating the vision of its residents.

1. **Create** housing for young professionals and "empty-nesters" including townhouses and condominiums in locations along Roosevelt Drive, Downtown, and as a component of transit-oriented development goals.
2. **Ensure** sufficient supply of senior-only housing opportunities.
3. **Encourage** the renovation of old factories into residential and mixed uses.
4. **Adopt** policies to help remediate abandoned and distressed housing.
5. **Evaluate** the Roosevelt Drive zone change to encourage mixed use, historic preservation, and adaptive reuse of industrial buildings.
6. **Analyze** Derby's housing stock and market rates on a regular basis to monitor neighborhood stability.

HOUSING AND RESIDENTIAL DEVELOPMENT STRATEGIES

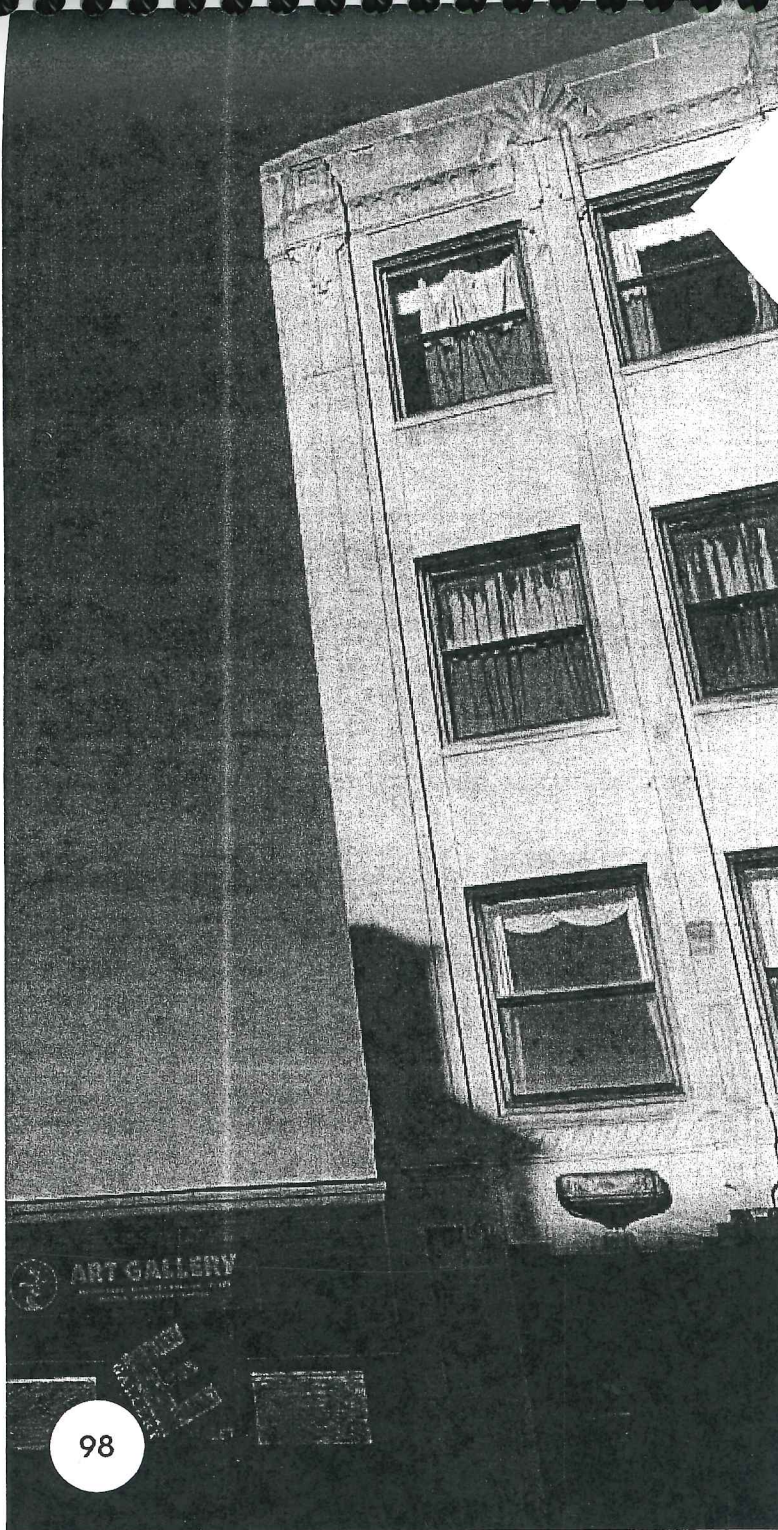


COMMERCIAL AND INDUSTRIAL DEVELOPMENT

According to a community and economic development professor with the University of Connecticut, economic development is "a set of purpose-based strategies and actions that improve the economic well-being and quality of life for a community. These actions are defined through a process of identifying and analyzing economic issues, building and mobilizing assets, and reconciling differing values and goals."

It is important for the City to grow its commercial and industrial tax base to provide better municipal services that raise the quality of life for residents without placing a high burden on them. Encouraging the creation of high paying jobs to attract middle income residents is also a means to improve quality of life. These objectives are among the key goals to advance the economic well-being of the community.

The City of Derby has a mix of commercial and retail land uses concentrated in a few areas. Large commercial developments are located along the east end of Route 34 near the town line with Orange; along Pershing Drive and Division Street at the border with Ansonia; and within the downtown area. Smaller commercial activities are also located along Roosevelt Drive.



One of the primary factors impeding additional commercial growth in Derby is lack of physical space. The City is fairly developed with only a few areas of developable land remaining, which include large tracts of vacant land in the far east and west sides of the City that have been zoned for industrial use.

In the downtown area there are parcels south of Main Street available for economic redevelopment. In the late 1990s and early 2000s, the City purchased 15 parcels at the west end of the corridor due to age and deterioration. The structures were demolished and the land re-graded.

However, the development potential of these parcels, totaling about 14 acres, is somewhat limited because of the lack of access. Improvements in transportation infrastructure may be necessary to attract economic investment. The City is hopeful the Route 34 reconstruction and road-widening project will serve as an impetus for redevelopment activity; road construction is expected to begin in 2017.

As part of the Route 34 project, several remaining commercial properties are being acquired and demolished to accommodate the road's widening. The project will provide new frontage for commercial

buildings along the south edge. Because of the steep slope, it is possible to provide a second frontage along the back side of any new construction at a level about one story below the Main Street level. The site has the potential to be redeveloped at a higher intensity with greater floor area ratios, density, building height, and a variety of uses.

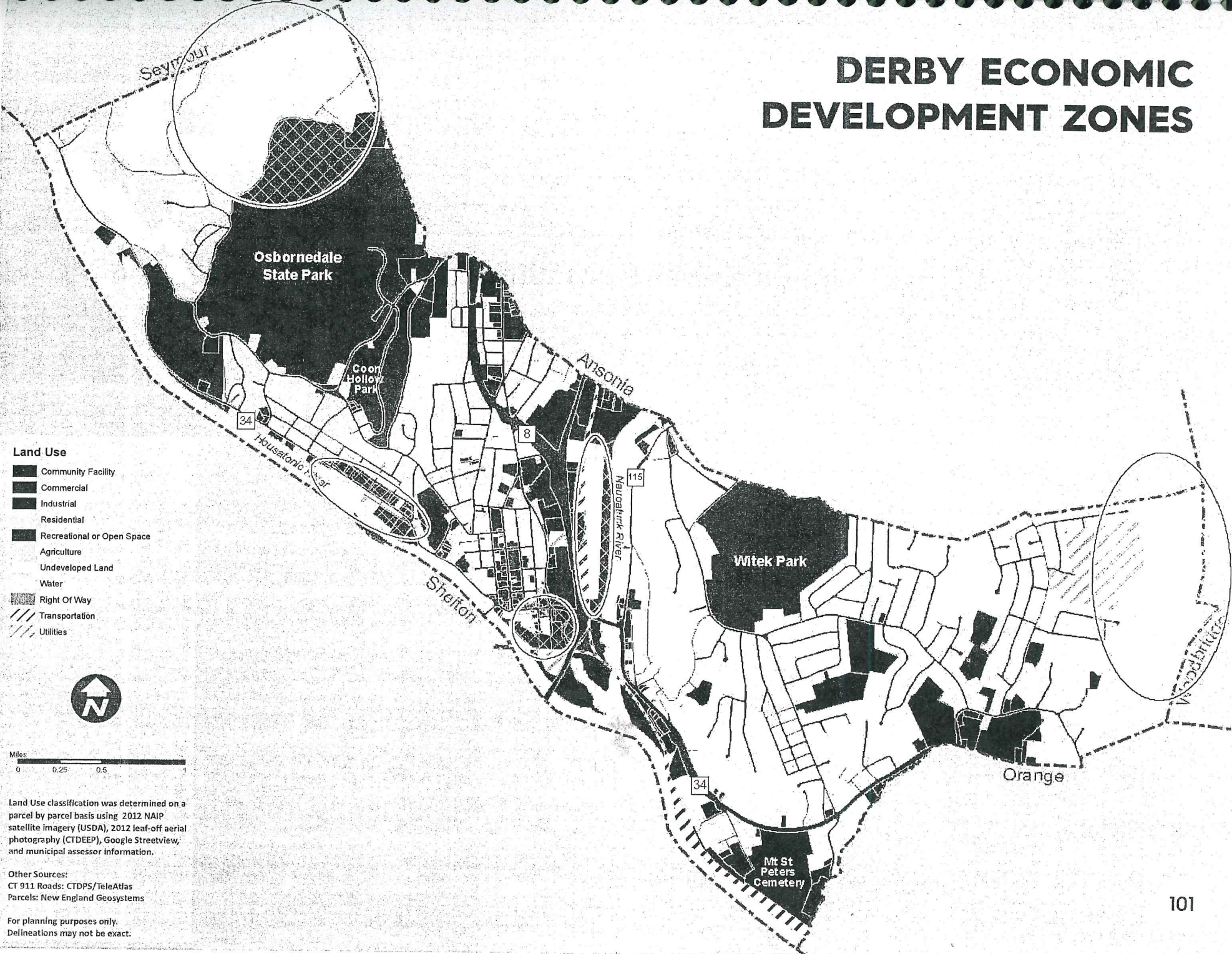
To best position development activity, the City is currently in the midst of a comprehensive planning exercise funded by an Urban Act Grant. The goal of this exercise is to create a clear path for credible development scenarios that reflect the community's vision and incorporate existing conditions, inform zoning changes, and feature transit-oriented development principles while capitalizing on the site's downtown riverfront location. Completion of the planning exercise will coincide with the anticipated commencement of construction on the Route 34 road-widening project.

There is a parcel totaling approximately 15 acres east of the Waterbury branch rail line that remains undeveloped. Access to the site was built from the north end of the property via Division Street several years ago. The new road connection makes the site more likely to be developed because

it has the necessary infrastructure in place. However, flood zone considerations, flood control easements, and stormwater issues make development a challenge. The area is protected from a one percent or greater flood hazard by a flood control system.

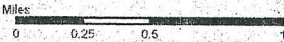
Aside from undeveloped land, there are other opportunities in the City for economic revitalization. Adaptive reuse of older industrial and mixed-use buildings is an effective approach for encouraging economic development; it also brings the added benefit of preserving historic industrial structures. Furthermore, adaptive reuse is a good way to promote site clean-up of older facilities to incent private investment. This initiative will require improved code enforcement to help revitalize dilapidated buildings and will necessitate consideration of new zoning regulations that specifically permit adaptive reuse of existing structures. Continuation of the Brownfield Pilot Program, which assists with the identification and clean-up of environmental contamination at older industrial sites, is an important component to facilitating reuse. Prime target areas for such efforts should be the former mill buildings located along Roosevelt Drive.

DERBY ECONOMIC DEVELOPMENT ZONES



Land Use

- Community Facility
- Commercial
- Industrial
- Residential
- Recreational or Open Space
- Agriculture
- Undeveloped Land
- Water
- Right Of Way
- Transportation
- Utilities



Land Use classification was determined on a parcel by parcel basis using 2012 NAIP satellite imagery (USDA), 2012 leaf-off aerial photography (CTDEEP), Google Streetview, and municipal assessor information.

Other Sources:
 CT 911 Roads: CTDP5/TeleAtlas
 Parcels: New England Geosystems

For planning purposes only.
 Delineations may not be exact.



COMMERCIAL AND INDUSTRIAL DEVELOPMENT GOALS AND STRATEGIES

During the public outreach sessions, participants were asked to comment on the economic direction of Derby. Their responses proposed that the City adopt policies to attract and support businesses that will create jobs and maintain and promote Derby's unique character.

While many viewed the existing commercial and retail establishments as a positive attraction for the City, the general vision was to maintain and focus future commercial development on Derby's downtown area, including the Derby-Shelton rail station. Instead of promoting one type of commercial activity, residents voiced a desire for a diversity of appropriate retail, food, and service establishments such as shops and restaurants. They also advocated for the creation of entertainment uses to attract consumers downtown to make it a vibrant, high activity area.

Many citizens expressed interest in renovating the abandoned Sterling Opera House located in downtown Derby on Elizabeth Street across from the historic Birmingham Green. The Opera House is a municipally-owned structure which was built in 1889; it was abandoned in 1965. Tremendous challenges exist to bring the facility into compliance with modern building code requirements. If the structure were to be successfully restored, it would certainly introduce the opportunity for increased vitality in the City's Center. However, before restoration can be assessed, the community must define its vision for the facility.

The following are some suggested strategies to support the community's overall vision for commercial development that recognize and capitalize on Derby's existing economic opportunities.

1. **Create** and **adopt** new zoning regulations that encourage:
 - a. the preservation and adaptive reuse of existing older structures;
 - b. rehabilitation and redevelopment of older industrial lands and facilities;
 - c. design review for appropriate architectural character and style.
2. **Continue** participation in the regional Brownfields partnership, and assess and remediate brownfield sites to make them ready for redevelopment.
3. **Prepare** existing industrial sites for business and development by investing in required infrastructure.
4. **Market** the City as a location for retail, service, and trade-related businesses.
5. **Create** and **adopt** new zoning regulations that would allow more intensive land uses, higher density, and taller structures in the area south of Main Street.
6. **Conduct** community engagement exercises to help define the community's vision for the Sterling Opera House.

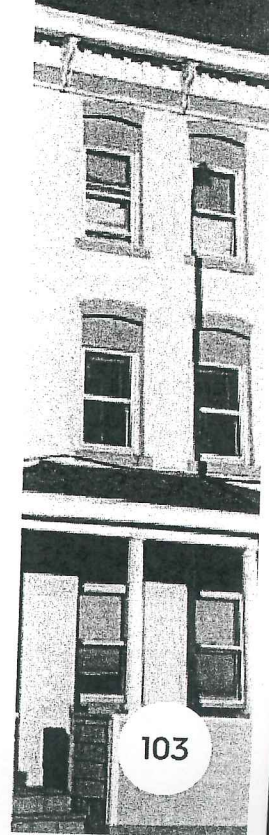
DOWNTOWN ACTION PLAN: TRANSIT-ORIENTED DEVELOPMENT

Downtown Derby is currently defined as the area bound by the Naugatuck River to the east; the Housatonic River, Route 34, and North Avenue to the west; and Eighth Street to the north. This area is comprised of a wide variety of land uses, including retail; small business; office; multi-family and single-family residential; and municipal and community facilities.

In downtown Derby, many small retail and business buildings provide apartments above the first floor; these buildings average two to three stories high.

The location of the City's town green, right in the center of downtown, is unique to Derby. The green is surrounded by churches and historical buildings, making it a well-used public space; it is likewise the site of many community events and celebrations.

The area is mostly located in the Center Design Development (CDD) District, with the land along the rail line zoned Industrial-1. Across the Naugatuck River, within a half-mile radius, the zoning changes to residential and business districts.



The CDD District was created to provide more land use flexibility for the downtown area. Within the district, permitted uses, exceptions, and bulk requirements are replaced with a thorough description of the zone's intent, and a broad and inclusive list of residential, commercial, and public uses typical of a traditional New England town. The intent provides a vision for maintaining the character of downtown, while promoting continued economic development. Zoning applications are evaluated with this vision in mind. For example, bulk requirements and use restrictions are waived provided the "spirit and intent" of the district is preserved. Parking requirements can be reduced up to 20% if the intended use is supported by pedestrian or bicycle traffic. New residential use is capped at 12 dwelling units per acre, but this density can be increased where existing buildings are being rehabilitated.

An important revitalization strategy for the downtown area is the promotion and creation of Transit-Oriented Development (TOD). TOD is typically defined as a mixed-use community within an average 2,000-foot walking distance of a transit stop and core commercial area.

Successful TOD projects build upon and enhance existing communities and historic downtowns by capitalizing on mobility choices

and transit service opportunities. They are characterized by a mix of residential, retail, office, open space, and public uses at a density that is more supportive of transit use. With a variety of land uses within a reasonable walking distance, residents and employees can conveniently travel by transit, bicycle, or foot, making them less reliant on travel by car. As a result, healthy, walkable, and safe neighborhoods flourish.

With its short block lengths and proximity to the Derby-Shelton rail station, Derby's downtown area is particularly suited to TOD.

The Derby-Shelton rail station is the first station along the Waterbury Branch Rail Line (WBL); the WBL extends from the New Haven Main Rail Line (NH-ML). A half-mile radius drawn around the train station encompasses Derby's entire downtown area and includes access to Route 34 (Main Street), the Derby Greenway Trail, and the Derby-Shelton Bridge. The area's existing land patterns and street layout are inviting to pedestrians.


All of these conditions, coupled with available land, makes Derby's downtown area a prime location for TOD growth and redevelopment.


 Derby Downtown


 Rail Line

 NRG Trail

Land Use

 Business - Mixed, residential above

 Business - Other

 Business - Retail


 Business - Restaurant, bar

 Business - Office

 Industrial

 Community Facility


 Residential Multi-family

 Residential Single Family

 Recreation

 Transit

 Utilities

 Undeveloped



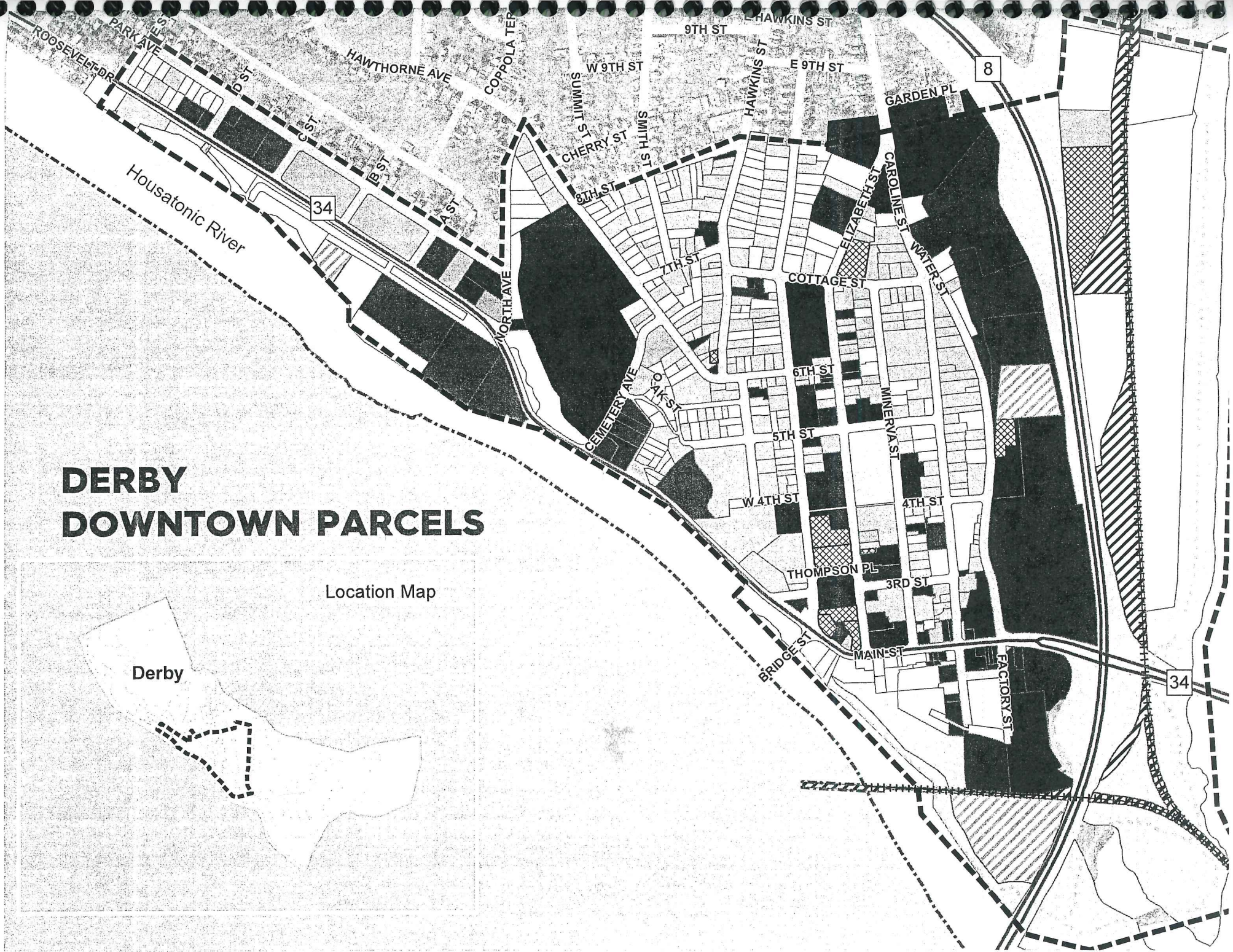
Other Sources:
 CT 911 Roads: CTDPS/TeleAtlas
 Parcels: New England Geosystems

For planning purposes only.
 Delineations may not be exact.

DERBY DOWNTOWN PARCELS

Location Map

Derby



Compact, mixed-use TOD communities are desirable places to live, work, and visit. They include housing in varying income ranges, jobs, an improved environment for pedestrians and bicyclists, and amenities like entertainment venues, parks, and retail – all within a short walk from a transit stop.

Potential TOD sites in Derby include the parcels south of Route 34 (Main Street), vacant land along the east side of the WBL, and parcels just north of the rail station site. There are also various smaller parcels scattered around the downtown area that could be converted to more intense use.

The State of Connecticut is currently planning for the reconstruction and widening of Route 34 (Main Street) from the vicinity of the rail station to Bridge Street. The plans include the construction of a bicycle path along the south edge of Main Street, and the creation of a landscaped pedestrian space. These enhancements will provide bicyclists and walkers with a safe and direct route between the downtown areas of Derby and Shelton, and the Derby-Shelton rail station.

Future plans envision the redevelopment of vacant lots on the south side of Main Street, many of which are under the City's control, and the replacement of commercial buildings removed to accommodate the road widening.

In addition, in 2015 the Connecticut bond commission approved a \$2 million authorization to construct renovations to the Derby-Shelton Bridge. Plans include bike lanes, a pedestrian plaza, and viewing areas along the bridge. These elements will ultimately enhance walkability and livability Downtown and make the area more attractive to TOD projects.

While CDD zoning provides the flexibility needed to promote TOD, it may not promote the concentration of the wide variety of business, retail, and residential uses desired for the core downtown area. Transit supportive development regulations need to be enacted to make public-private partnerships, financing options, and land use controls possible.


TOD projects are varied and diverse; there is no one way to encourage or implement a development. It is important to build community consensus for TOD projects and engage a wide range of support

that includes local government, transit operators, redevelopment authorities, economic development corporations, private developers, and neighborhood organizations.

A local TOD plan and/or zoning regulations that support TOD projects, especially allowing mixed-uses and higher densities, are critical to achieving goals and objectives. Therefore, Derby's position on TOD needs to be clearly defined and new zoning regulations that support TOD projects should include a preamble describing the purpose and goals of the TOD regulations.

To facilitate the goals and objectives of transit supportive land uses and sustainable communities, the zoning regulations within Derby's downtown should be modified. However, careful consideration is required so that new zoning codes are not overly complicated or too rigid. The new regulations need to be flexible and sufficiently broad to accommodate a range of land uses.

DOWNTOWN CORE

-  Downtown Core
-  Rail Line
-  NRG Trail

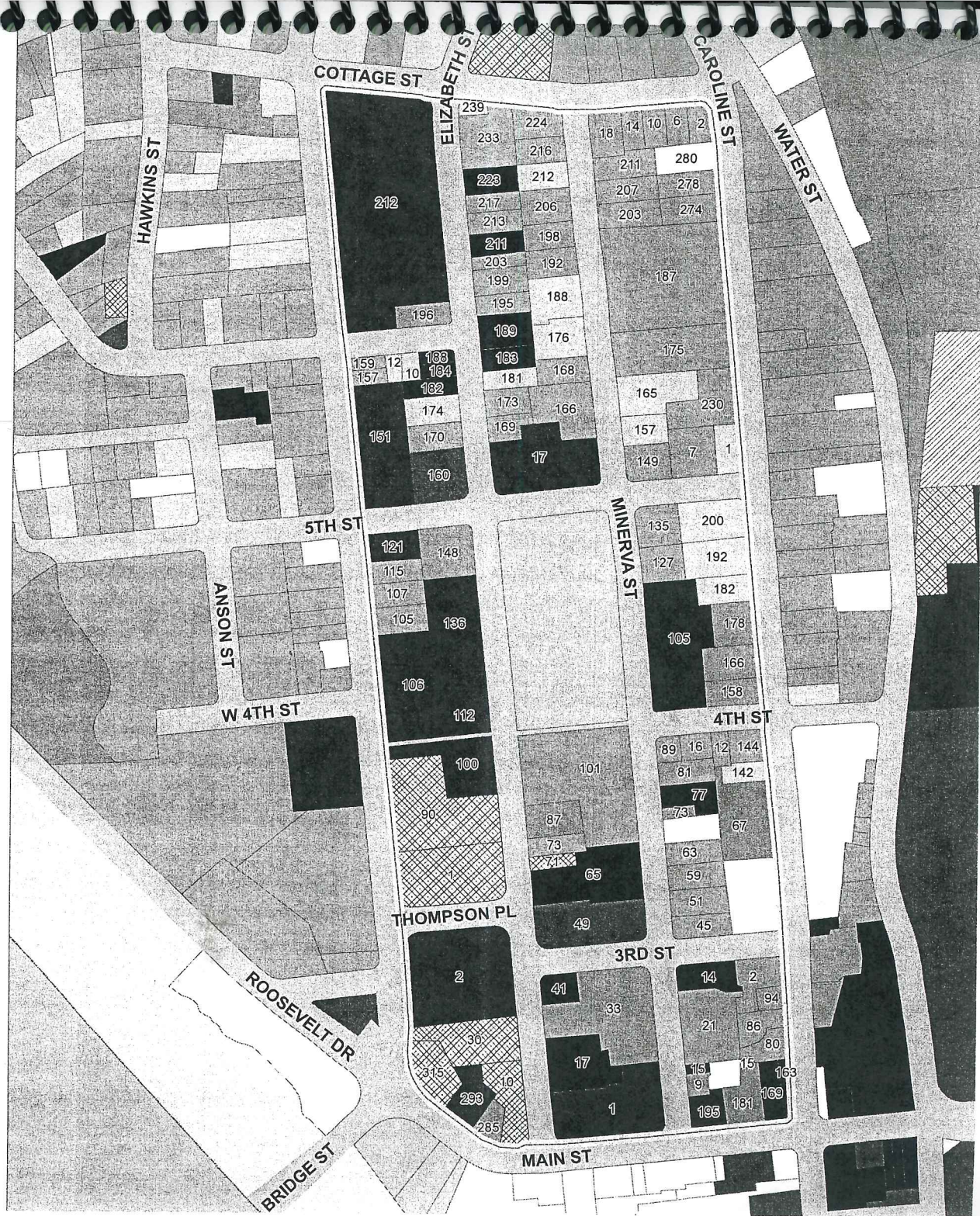
Land Use

-  Business - Mixed, residential above
-  Business - Other
-  Business - Retail
-  Business - Restaurant, bar
-  Business - Office
-  Industrial
-  Community Facility
-  Residential Multi-family
-  Residential Single Family
-  Recreation
-  Transit
-  Utilities
-  Undeveloped



Other Sources:
 CT 911 Roads: CTDPS/TeleAtlas
 Parcels: New England Geosystems

For planning purposes only.
 Delineations may not be exact.



The following actions are recommended to promote and facilitate TOD developments in Derby:

1. **Revise** the current Center Design Development (CDD) District zoning regulations and map. The current regulations extend well beyond the core downtown area.

2. **Modify** the zoning map to better, and more accurately, define the core downtown area to include Main Street, Olivia Street, Minerva Street, Elizabeth Street, and Caroline Street. The existing areas outside the core downtown, but within the CDD, would remain zoned as CDD to ensure continuity of land uses within the district. This would likewise prevent and/or minimize non-conforming uses that would result if the zoning of these parcels were to be changed.

3. **Create** zoning regulations within this area to promote more intensive land uses and higher density; encourage reuse and restoration of existing structures; and support first floor commercial/upper floor residential occupancies. The City can achieve this goal through the use of several zoning tools:

a. **Form-based Zoning:** Define the space and not the use. Specifically, define what can be built, but leave broad discretion to the developer as to what uses can fill the space. Form-based codes are particularly adaptable and effective in urban spaces where the municipality aims to enable mixed-use.

b. **Overlay Districts:** Such districts modify underlying zoning districts without replacing them. Overlays are often used to add additional requirements to the base zone. To help provide an outline of the diverse possibilities, a TOD overlay would allow projects, that meet municipal TOD goals, to choose an alternative development path that permits smaller lots, substantially higher densities, and mixed uses. For example, a TOD overlay might allow for the development of a mixed-use residential-commercial project which exceeds height limits in a base zone that is either commercial, residential, or neither. While the application is subject

TOD STRATEGIES



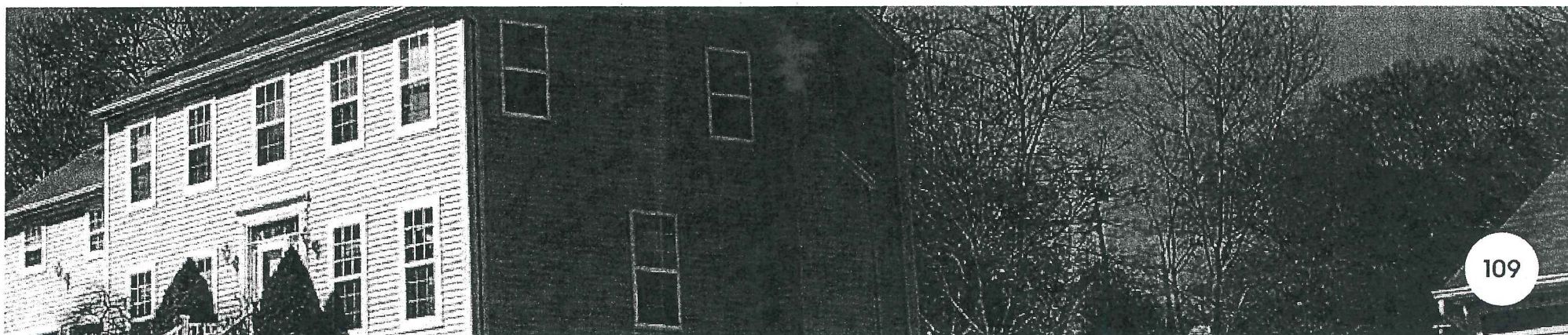
to additional review, much like a special use permit, the requirements are clearly articulated in the zoning ordinances. This type of overlay can be successfully used to integrate form-based code into traditional, Euclidean zoning.

c. Floating Zone: A Floating Zone is an overlay zone where the exact regulations are not defined until an application has been received, reviewed, publically heard, and a zoning change has been made. A Planned Unit Development (PUD) overlay is often a floating zone. Once the site has been rezoned, the new regulations will apply to all future development on the parcel. This strategy is used to encourage flexibility in the development of land and creative design, and to promote and preserve the scenic features of the site.

d. Incentive Zoning: Incentive Zoning is a means of achieving a community's vision by providing tradeoffs for developments to address specific planning goals. Whereas traditional zoning is restrictive, incentive zoning encourages specific types of development, and increases a development's profitability. Incentive Zoning gives the municipality flexibility in negotiating community benefits and developer rewards. For example, a developer may be permitted to exceed zoning ordinance limits [i.e. density, building height, floor area ratio (FAR)] or receive an exemption from certain impact or other fees in exchange for constructing affordable housing, pedestrian amenities, or a park. FAR bonuses could be granted for desirable residential land uses. While this is a

powerful tool, it should be used with caution. A community's goals must be clearly defined to ensure that the resulting development is on par with the benefits to the community.

e. Planned Unit Development (PUD): PUD is a technique that allows a mixed use development to be reviewed and approved as a single development, instead of subjecting individual uses within the development to zoning considerations. It often allows flexibility, once approved, for minor adjustments without requiring a new zoning review. Various innovative zoning techniques can be incorporated into the plan.



f. **Design standards or guidelines:** Design standards or guidelines allow the community to control the appearance of a development and the uses within it through site planning, densities, building heights, and pedestrian/streetscape amenities (e.g. curb extensions, landscaping, street furnishings, wider sidewalks, outdoor dining areas). Design standards can serve to promote transit supportive developments.

4. **Authorize** the Planning and Zoning Commission to approve site plans for TOD projects that meet the purpose and goals of the City's TOD vision, as opposed to drafting specific zoning by right.

5. **Include** placemaking elements in TOD projects to give them an identity. (Placemaking is a people-centered approach to the planning, design, and management of public spaces.) Examples

include providing a town center or green around which retail uses would be placed. This would enliven the area and make it a more desirable place for people to visit. A key element of placemaking is walkability and pedestrian safety; traffic should be located on the periphery, and traffic-calming features need to be integrated to slow vehicle speeds.

6. **Consider** alternatives to zoning regulations such as the use of development agreements and station area plans that provide more flexibility for the achievement of prescribed goals. This approach may require public investment in infrastructure, streetscapes, parks, etc. and may necessitate the adoption of zoning regulations to support and enable such plans.

TOD projects may be more expensive to build than traditional developments

because of the need to include placemaking amenities such as structured parking (in order to avoid large expanses of surfaced parking), pedestrian connections (to encourage walking), and common civic areas or plazas (to create welcoming gathering places). To this end, there are a number of financial incentives available to attract TOD projects.

The creation of public-private partnerships, where one or more public entities help fund an aspect of a TOD project, has been successful in other parts of the country. Other financial incentives include:

a. **Tax Increment Financing (TIF):** TIF is a technique municipalities use to fund economic development in designated areas. It rests on the assumption that economic development increases property tax revenue by boosting property values in the designated



area. TIF uses that additional revenue - the increment - to fund economic development.

In Connecticut there are three primary ways in which TIF is applied: (1) any increase in property tax revenue beyond a base level will be spent locally to fund improvements; (2) the municipality issues bonds to pay for the new development; any increase in the property tax revenue beyond a base level will be used to pay back the bond; and (3) a public-private partnership where all upfront development is done by a private developer with an understanding that any increase in property tax will be spent on additional pre-agreed upon improvements within the district.

Within the scope of transit, TIF is most effective at capturing value on new development, as opposed to that on

properties with existing improvements. Therefore, this strategy is less effective in a town or city center that has very little open space for new development or redevelopment. Because TIF does not create any new taxes, and only earmarks revenue beyond a baseline, it is generally more politically tenable than a special assessment.

In 2015, the Connecticut State Legislature passed legislation enabling towns to more easily create TIF districts. Previously TIF districts were fairly restricted for economic development purposes. Public Act 15-57 widely expanded that definition to include, but be limited to, transportation-oriented development, land acquisition, infrastructure, and construction.

b. Tax credits

c. Waiving local fees

d. Publically funded infrastructure: new pedestrian paths and walkways, parking facilities, and parks.

e. Local approval of non-conventional construction: increased density, increased building heights, and new design standards.

SITE D:
32 UNITS PER FLOOR
 96 TOTAL UNITS
 2 BR: 18
 1 BR: 78
 0 BR: 0

SITE C:
24 UNITS PER FLOOR
 72 TOTAL UNITS
 2 BR: 18
 1 BR: 54
 0 BR: 0
 FIRST FLOOR COMMERCIAL:
 14,800 SF RETAIL
 4- STORY PARKING:
 263,000 SF

SITE A:
37 UNITS PER FLOOR
 111 TOTAL UNITS
 2 BR: 15
 1 BR: 96
 0 BR: 0

SITE B:
25 UNITS PER FLOOR
 100 TOTAL UNITS
 2 BR: 8
 1 BR: 64
 0 BR: 28





**Factory Street - Facing South East
Derby Mixed Use Development**



