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May 15, 2020

Caryn L. Diller, Town Clerk
Town of Darien
2 Renshaw Road
Darien, CT 06820

**Re: Petition to Amend Zoning Map
and Zoning Regulations**

Dear Madam Clerk:

We represent 1897 Post Road, LLC. Please accept for recording the enclosed proposed amendment to the Darien Zoning Regulations.

As you know, proposed zoning regulation amendments must be filed with the Town Clerk.

Please stamp the additional two copies, one for the Planning and Zoning Department, and one for our file.

Please feel free to call us if any additional information is required.

Thank you.

Very truly yours,


Robert F. Maslan, Jr.

cc: 1897 Post Road, LLC

Jeremy B. Ginsberg, Town Planner

10:35 AM
RECEIVED
MAY 18 2020
TOWN CLERK'S OFFICE
DARIEN CT.

RECEIVED
MAY 18 2020
TOWN OF DARIEN
PLANNING & ZONING

IV. Proposed Text Amendments

The Applicant proposes the following amendments to the Zoning Regulations (deleted language stricken and added language underlined):

a. Revise Section 786

786. Area and Bulk Requirements

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13. Maximum Floor Area of each Dwelling Unit	1,000 <u>1,200</u> sq. ft. (See Note 787 c.)
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Comment: The proposed amendments would increase the maximum floor area of apartments in the NB Zone from the current 1,000 square feet to 1,200 square feet. This increase is in line with maximum floor areas allowed in other zones in which apartments are allowed in upper floors of mixed-use buildings. The following is a list of maximum floor areas over 1,000 square feet that are allowed for dwelling units:

Design Business and Residential (DBR) Zone	1,200 – 1,800 sq. ft. (§504 & Note e)
Design Multifamily Residence (DMR) Zone	1,500 – 2,000 sq. ft. (§525 & Note a; §525.1 & Note a)
3.7 Acre Hollow Tree Rudge Road Small Acreage Zone for Affordable Housing	1,875 sq. ft. (§544)
Leroy-West Affordable Housing Overlay Zone	1,600 sq. ft. <i>minimum</i> (§593)
Noroton Heights Business (NH) Zone	1,200-1,500 sq. ft. (§746(14) & Note e)

These maximum floor areas have been adopted during the past 10 to 20 years, and reflect a need for larger apartments.

b. Revise Subsection (d) of Section 787

787. Special Controls.

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- d. If more than two dwelling units, then at least 30% of the total number of units shall be limited to one bedroom. One off-street parking space per bedroom shall be required. The off-street parking space must be located within the Neighborhood Business Zone and not within the required buffer area or adjacent residential zone. The total number of dwelling units shall not exceed six dwelling units on any site. Dwelling units located on the third floor of a building shall be deemed "incentive units" for purposes of Section 585, provided that the use of second floor shall be limited to dwelling units.

Comment: The proposed additional sentence allows dwelling units to be located on third floors, as inclusionary zoning incentive under Section 585.

The current version of Section 585 does not clearly specify what would qualify as an incentive unit in the NB Zone. That section provides for an increase in density. However, in the NB Zone, not more than six dwelling units are allowed on any site, regardless of the lot area. (§787(d)) This limit is not likely to be reached in the NB Zone due to the size of the individual lots, and the limited buildable areas on lots that extend beyond the zone boundary.

1950 and 1958 Boston Post Road are examples of the difficulty of reaching the maximum six units. Each of these new developments have retail uses on the first floor, and each building contains four apartments on the second floor. The building footprints are limited by the 100-foot depth of the buildable area (excluding front setbacks). This situation does not encourage the development of affordable units in the NB Zone, and if the third floor incentive is not available, the development of affordable units under the current Inclusionary Zoning Regulations, likely is not practicable or feasible.

Allowing third floor apartments would trigger the 25-percent affordable requirement, and require dwelling units on the second floor. Also, unless a project contains a total of at least five units, the third floor incentive would not apply, as Section 585 applies only to projects that are subject to Section 580, which means that the project must include five or more dwelling units. This is substantially more consistent with the objective of Inclusionary Zoning, which is "intended to encourage the development of below market rate dwelling units within the Town of Darien, consistent with Section 8-2(i) of the General Statutes of Connecticut." (§581)

c. Areas Affected By Proposed Amendments

The proposed amendments would apply only to the NB Zone regulations. There are two NB Zones in Darien—one is a 5.5± acre area along Boston Post Road in Noroton between Dickenson Road and Noroton Avenue, and the other is a 2.5± acre area along Tokeneke Road between Cliff Avenue and the Darien-Norwalk Town Line. The total area of the properties that are all or partially in the NB Zone is 6.26 acres. The lot areas range from 0.04 acre at 6 Rings End Road, to 0.73 acre at 1950 Boston Post Road in the Noroton area, and 0.11 acre at 282 Tokeneke Road to 0.70 acre at 285 Tokeneke Road. The Applicant's property at 1897 Boston Post Road is 0.4934± acre. The accompanying excerpts of the Darien GIS Map depict the two NB Zone areas.

Given the relatively small lot areas in the NB Zone, the limited depth of the NB Zone portion of most properties, and the off-street parking, landscape buffer, rear yard and parking lot setback requirements, adopting the proposed amendments would not result in large scale developments. All new commercial development in the NB Zone requires special permit approval, which allows the Commission to review projects on a case-by-case basis, to ensure that they would not present unacceptable impacts on neighboring properties. As discussed above, the proposed amendments are consistent with the Town Plan of Conservation and Development relating to diverse housing needs of Darien.

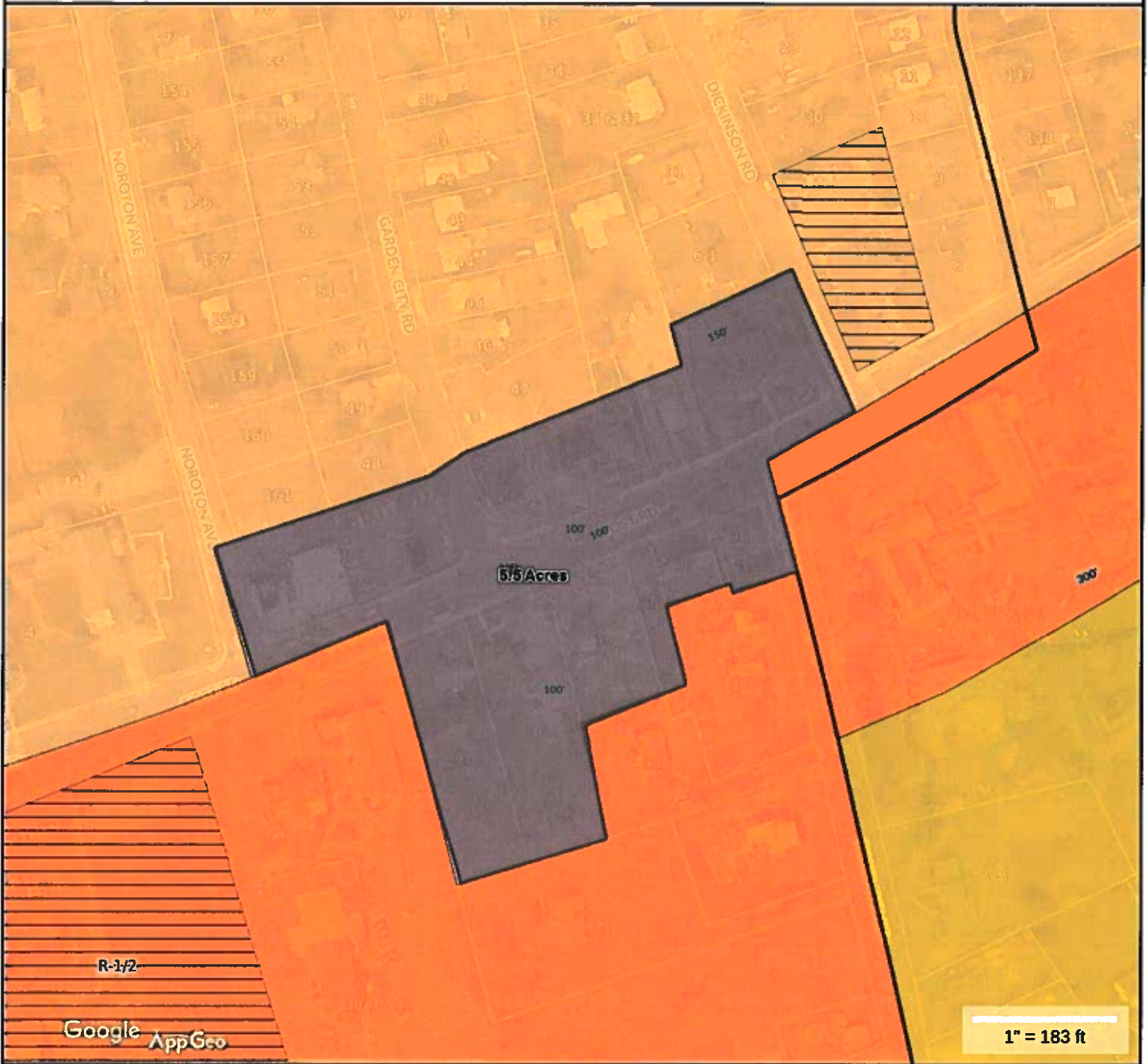
d. Consistency With Town Plan Of Conservation And Development

The increase in maximum floor area and the designation third floor dwelling units as incentive units are consistent with the Town Plan of Conservation and Development (the "POCD"). Chapter 10 of the POCD recognizes that single-family residential character of Darien, with a policy of "seek[ing] to provide for a range of housing types and densities to meet a broad array of housing needs." (POCD at 98). To accommodate the needs of an aging population, the POCD states that Darien "may consider allowing . . . additional multi-family units in appropriate places and configurations to address potential future needs. (POCD at 104) The POCD also recognizes that Darien's population and housing needs have changed over the years and that housing preferences will continue to change. (POCD at 103) To address the continuing change in housing needs, the POCD includes the following Action Step:

"Evaluate and consider eliminating size restrictions for multi-family units and rely instead on building size and build standards." (POCD at 106)

1,200 square foot upper floor units with elevator access in a pedestrian friendly area like the NB Zone, is consistent with these recommendations.

Noroton Area



Property Information

Property ID 5773
Location 5 FIVE MILE RIVER ROAD
Owner 5 MILE RIVER ROAD LLC

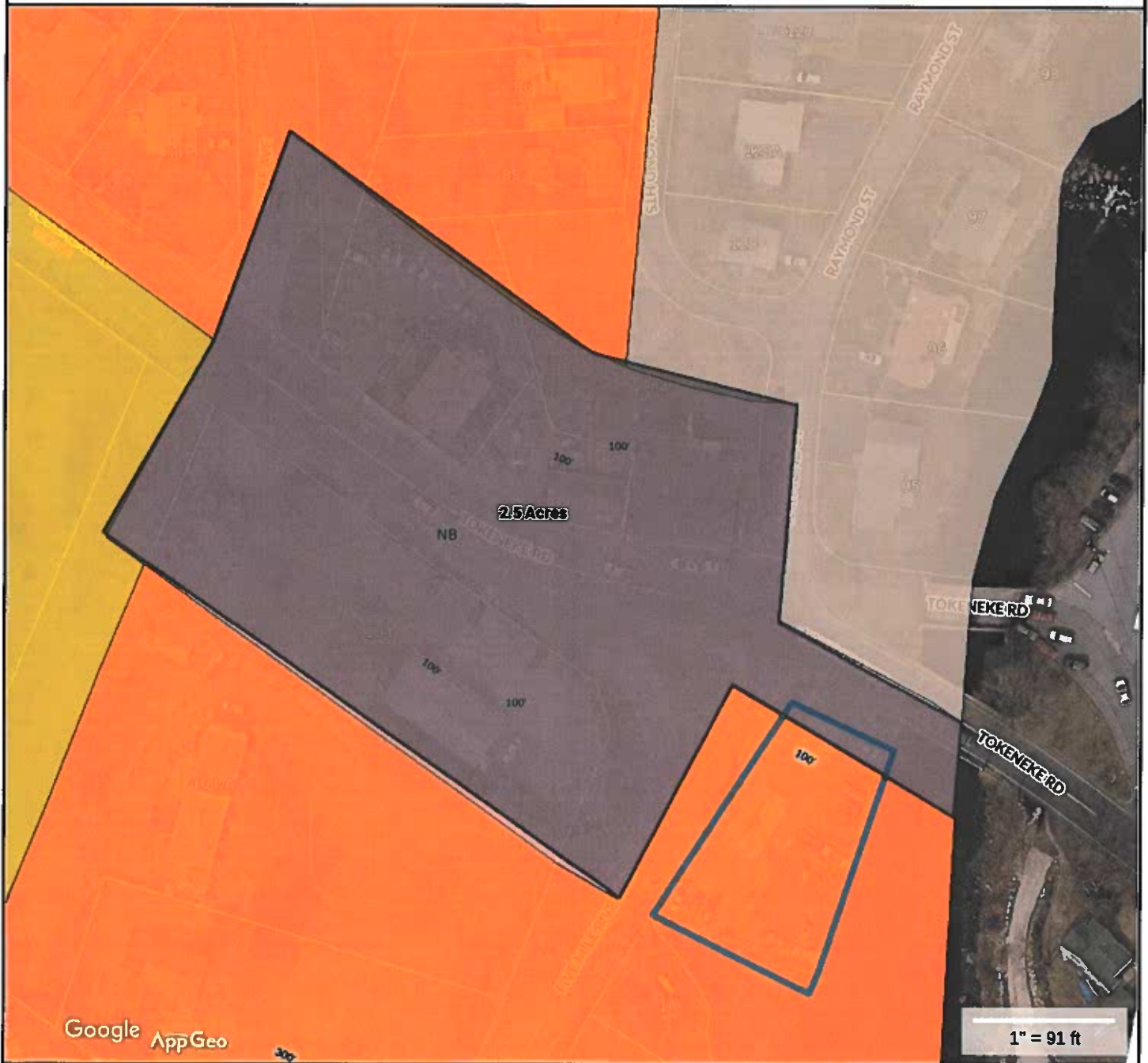


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town of Darien, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 8/1/2019
Data updated 8/1/2019

Tokenene Road - Five Mile River Road Area



Property Information

Property ID 5773
Location 5 FIVE MILE RIVER ROAD
Owner 5 MILE RIVER ROAD LLC



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