

**PLANNING AND ZONING COMMISSION**  
**ADOPTED RESOLUTION**  
**May 2, 2017**

Application Numbers: Amendment to the Darien Zoning Regulations (COZR #1-2017)

Street Addresses: 346, 310 and 264 Heights Road  
Assessor's Map #75 Lot #22, 23, & 24 with associated improvements to properties on:  
Assessor's Map #75 Lot #25 & 26 and #27

Names and Address of:  
Applicant(s): Noroton Heights Shopping Center, Inc.  
264 Heights Road  
Darien, CT 06820

Name and Address of  
Applicant's Representative: Robert F. Maslan, Jr., Esq.  
Maslan Associates PC  
30 Old King's Highway South  
Darien, CT 06820

Activity Being Applied For: Proposal to amend the Darien Zoning Regulations (Section 685) relating to minimum lot width and depth to allow buildings to be located in portions of lots that are at least 135 feet in width and depth in the Noroton Heights Redevelopment overlay zone. In an associated application (Business Site Plan Application #295, Special Permit Application #294, and Land Filling and Regrading Application #401), the applicant proposes to demolish the existing buildings on the 346 Heights Road property and construct two new mixed-use buildings on that property; reconfigure the parking and internal traffic circulation; create new internal public plaza spaces; and perform related site development activities.

Property Locations: The 346 Heights Road property is located on the north side of Heights Road, and extends from the intersection of Hollow Tree Ridge Road eastward for approximately 520 feet, and is shown on Assessor's Map #75 as Lots #22, 23, & 24, in the DC Zone and NHR overlay zone.

The site plan/special permit application shows associated changes to the shared parking lot areas and related improvements are proposed to the 310 Heights Road property (Wells Fargo Bank) shown on Assessor's Map #75 as Lot #25&26; and the 264 Heights Road property (Palmer's Market) shown on Assessor's Map #75 as Lot #27.

Dates of Public Hearing: January 24, 2017 continued to February 14, 2017, February 21, 2017 and March 7, 2017

Deliberations held on: March 21, 2017, April 5, 2017 and May 2, 2017

Time and Place: 8:00 P.M. Auditorium Town Hall

Publication of Hearing Notices

Dates: January 13 & 20, 2017

Newspaper: Darien News

Date of Action: May 2, 2017

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PUT FORTH BY NOROTON HEIGHTS SHOPPING CENTER, INC.  
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Action:

**ZONING REGULATION AMENDMENT: ADOPTED WITH MODIFICATIONS  
WITH AN EFFECTIVE DATE OF  
SUNDAY, JUNE 11, 2017 AT 12:01 P.M.**

In a related, but separate decision:

Business Site Plan Application #295, APPROVED WITH CONDITIONS  
Special Permit Application #294, WITH AN EFFECTIVE DATE OF  
Land Filling and Regrading Application #401 SUNDAY, JUNE 11, 2017 AT 12:05 P.M.

Scheduled Date of Publication of Action: Newspaper: Darien Times  
May 11, 2017

The Commission has conducted its review and findings on the bases that:

- the proposed zoning regulation amendments must be consistent with the 2016 Town Plan of Conservation & Development for the Commission to adopt the proposed amendment.

Following review of the submitted application materials and related analyses, the Commission finds:

1. The submitted subject application consists of:
  - a. Proposal to amend the Darien Zoning Regulations (Section 685) relating to minimum lot width and depth to allow buildings to be located in portions of lots that are at least 135 feet in width and depth in the Noroton Heights Redevelopment overlay zone.
  - b. The applicant proposes to demolish the existing buildings on the 346 Heights Road property and construct two new mixed-use buildings on that property; reconfigure the parking and internal traffic circulation; create new internal public plaza spaces; and perform related site development activities.

This decision only addresses the proposed Zoning Regulation amendment. The site plan/special permit application is the subject of a separate, yet related, decision.

2. Public hearings were held on this application in January, February and March 2017, where the applicant(s) and their representatives explained the proposed amendments to the Commission.

**ZONING REGULATION AMENDMENT**

3. The zoning regulation put forth by the applicant is to modify the required minimum lot width and lot depth requirements in the Noroton Heights Redevelopment Zone regulations. The Commission believes that a more simple solution to the applicant's request, rather than creating a new note "f", is to simply change the minimum requirement from 150 feet to 135 feet in the Area and Bulk Requirements table in Section 685, and not add a new note "f". This modification will still enable the applicant to accomplish their goal.
4. At the public hearings on this matter, no members of the general public spoke specifically with regard to the proposed regulation amendment.

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5. The Commission hereby confirms that the proposal described herein, to modify the zoning regulations, is consistent with the Town Plan of Conservation & Development.

NOW THEREFORE BE IT RESOLVED that Amendment to Darien Zoning Regulations (COZR #1-2017), is hereby adopted subject to the foregoing and following modifications and understandings:

NEW WORDING UNDERLINED, DELETIONS IN STRIKEOUT:  
(Table of Contents and Appendix C of the Zoning Regulations to be amended accordingly.)

685. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	1/2 acre
2. Minimum Lot Width	<u>135</u> <del>150</del>
3. Minimum Lot Frontage	150
4. Minimum Lot Depth	<u>135</u> <del>150</del>
5. Minimum Front Yard	6 (See Note a)
6. Minimum Side Yard	None (See Note b)
7. Minimum Rear Yard	25
8. Maximum Height in Stories	3 (See Note c)
9. Maximum Height in Feet	45 (See Note c)
10. Maximum Building Coverage	35%
11. Minimum Front Landscape Depth	6 (See Note d)
12. Maximum Developed Site Area	85%
13. Maximum Density Dwelling Units/Gross Acre	12
14. Maximum Floor Area of each Dwelling Unit	1,200 sq. ft. (See Note e)