

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
October 10, 2017

Application Numbers: Amendment to the Darien Zoning Regulations (COZR #4-2017)
19 OKH, LLC

Street Addresses: 19 Old King's Highway South
Assessor's Map #38 Lot #14

Name and Address of: 19 OKH, LLC
Applicant(s) and 100 Fairfield Avenue
Property Owner(s): Bridgeport, CT 06604

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

Activities Being Applied For: Proposal to amend Section 210 (Definitions) of the Darien Zoning Regulations to allow licensed physical and other therapy offices in the definition of "Offices, Business and Professional" and to add a new definition for "Licensed Therapists".

Property Location: The subject property in connection with this proposed amendment is located on the east side of Old King's Highway South approximately 125 feet south of its intersection with Corbin Drive, and is shown on Assessor's Map #38 as Lot #14 in the OB Zone.

Date of Public Hearing: September 26, 2017
Deliberations held on: September 26, 2017

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: September 14 & 21, 2017

Newspaper: Darien Times

Date of Action: October 10, 2017

Action: ADOPTED WITH MODIFICATIONS
WITH AN EFFECTIVE DATE OF
SUNDAY, OCTOBER 29, 2017 AT 12:01 P.M.

Scheduled Date of Publication of Action:
October 20, 2017

Newspaper: Darien Times

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

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

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

1. The submitted subject application consists of a proposal to amend Section 210 (Definitions) of the Darien Zoning Regulations to allow licensed physical and other therapy offices in the definition of “Offices, Business and Professional” and to add a new definition for “Licensed Therapists”.
2. A public hearing was held on this application on September 26, where the applicant’s representative explained the proposed text amendments to the Commission.
3. The Commission finds that the proposed amendment will clarify the definition of “Offices, Business and Professional” to include offices of certain licensed therapists, and continue to allow such offices in zones in which Business and Professional Offices are now allowed. Physical therapists are now considered a Personal Service Use.
4. The Commission finds that physical, occupational, speech and language therapy offices are fully compatible with other business and professional offices where such uses are permitted under the current regulations.
5. The Commission finds that a licensed therapist office use does not usually involve high volume customer traffic or noise, and their exterior appearance is indistinguishable from other business and professional offices. Their presence in an office building would not impact other tenants in the same building and would not increase the parking requirements for the site.
6. The Commission finds that physical and occupational therapists, and speech and language pathologists must be licensed by the Connecticut Department of Health, and their licensing requirements include baccalaureate, masters, or doctorate degrees. These educational requirements give such therapists a level of professionalism that is consistent with other allowed uses now considered under the definition of ‘Offices, Business and Professional’.
7. The Commission hereby confirms that the proposal described herein, to modify the zoning regulations is consistent with the 2016 Town Plan of Conservation and Development. Chapter 11 of the Town Plan recommends that the Commission review the multiple business zoning districts and the “subtle distinctions between uses in some of the districts to better meet community goals and objectives” (page 110 of the Town Plan). The proposed amendment would eliminate a theoretical subtle distinction between a doctor’s office, which is listed in the existing definition, and licensed therapy offices that are equally professional, but not listed in the current definition.
8. At the public hearing on this matter, no members of the general public spoke with regard to the proposed zoning regulation amendment.
9. The Commission finds that the proposed amendment should be considered as a clarification of the definition of business and professional offices, rather than an expansion of the list of uses

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allowed in zones in which business and professional offices currently are allowed. The Commission believes that changing one word in the applicant's proposed definition of Licensed Therapists would be appropriate. That would be the change from "Persons" to "Professionals".

NOW THEREFORE BE IT RESOLVED that the Amendment to the Darien Zoning Regulations (COZR #4-2017) is hereby adopted subject to the foregoing and following modifications and understandings:

NEW WORDING IN ITALICS AND UNDERLINED; DELETIONS IN STRIKEOUT:
(Appendix C of the Zoning Regulations to be amended accordingly.)

A. The definition for 'Offices, Business and Professional' included in Section 210 shall be amended to specifically include 'licensed therapists', as such:

Offices, Business and Professional: An office structure which supplies office space for businesses and professional persons who primarily provide goods or services directly to the local population. Such facility is generally subdivided into multiple units and typical tenants include doctors, lawyers, real estate agents, architects, engineers, *licensed therapists*, and similar office uses. Requirements for pedestrian access and parking reflect the largely transient nature of the business activities.

B. A new definition for 'Licensed Therapists' shall be included in Section 210, and placed in alphabetical order within the list of definitions, as such:

Licensed Therapists: Professionals who are licensed by the Connecticut Department of Public Health as physical or occupational therapists, or speech and language pathologists.