

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
December 5, 2017

Application Numbers: Amendment to the Darien Zoning Regulations (COZR #5-2017)
Slavko Enterprises, LLC

Street Addresses: 85 Old King's Highway North
Assessor's Map #35 Lot #38

Name and Address of: Slavko Enterprises, LLC
Applicant(s) and 36 Maple Place
Property Owner(s): Manhasset, NY 11030

Name and Address of Amy Zabetakis, Esq.
Applicant's Representative: Rucci Law Group, LLC
19 Old King's Highway South
Darien, CT 06820

Activities Being Applied For: Proposal to amend Section 210 (Definitions) to define 'Child Care', 'Child Care Center', 'Child Care Home, Family', and 'Child Care Home, Group', and to remove the existing 'Nursery School' definition; amend Section 714 to allow 'Child Care Centers' by Special Permit in the Office Business (OB) Zone; amend Section 403 to allow 'Child Care Home, Family' as an accessory use in residential zones; Amend Section 404 to allow 'Child Care Home, Group' by Special Permit in residential zones and to remove 'Nursery Schools'; amend Section 405 to allow 'Child Care Centers' as an accessory use to churches, clubs, and private schools; and to amend Section 904 to establish a parking standard for 'Child Care Centers'.

Property Location: The subject property in connection with this proposed amendment is located on the southeast side of Old King's Highway North approximately 500 feet north of its intersection with Brookside Road, and is shown on Assessor's Map #35 as Lot #38 in the OB Zone.

Date of Public Hearing: November 28, 2017
Deliberations held on: December 5, 2017

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

Publication of Hearing Notices

Dates: November 16 & 22, 2017

Newspaper: Darien Times

Date of Action: December 5, 2017

Action: ADOPTED WITH MODIFICATIONS
WITH AN EFFECTIVE DATE OF
SUNDAY, DECEMBER 24, 2017 AT 12:01
P.M.

Scheduled Date of Publication of Action:
December 14, 2017

Newspaper: Darien Times

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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.

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) to define 'Child Care', 'Child Care Center', 'Child Care Home, Family', and 'Child Care Home, Group', and to remove the existing 'Nursery School' definition; amend Section 714 to allow 'Child Care Centers' by Special Permit in the Office Business (OB) Zone; amend Section 403 to allow 'Child Care Home, Family' as an accessory use in residential zones; amend Section 404 to allow 'Child Care Home, Group' by Special Permit in residential zones, and 'Child Care Center' by Special Permit as an accessory use to churches, clubs, and private schools, and to remove 'Nursery Schools'; and to amend Section 904 to establish a parking standard for 'Day Care Centers'.
2. A public hearing was held on this application on November 28, where the applicant's representative explained the proposed text amendments to the Commission.
3. The Commission finds that the proposed amendments would align the definitions in the Darien Zoning Regulations with Connecticut Statute Section 19a-77 which covers licensing for child care providers.
4. The Commission finds that the proposed amendments would conform the regulations to reflect the current status of child care centers and home child care facilities which are currently not covered in the zoning regulations.
5. The Commission finds that the proposed amendments would help to guide business and economic development in conformance with the 2016 Town Plan of Conservation and Development (POCD) by promoting the establishment of new child care options in the Town of Darien which in turn will support both residents and employees of local businesses.
6. The Commission finds that when properly implemented, child care centers can be fully compatible with other business and professional offices. Their presence in an office building would generally not result in impacts to other tenants in the same building and would typically not increase parking requirements for sites.
7. At the public hearing on this matter, no members of the general public spoke with regard to the proposed zoning regulation amendment.

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NOW THEREFORE BE IT RESOLVED that the Amendment to the Darien Zoning Regulations (COZR #5-2017) 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. Section 210 shall be amended to delete the existing definition for ‘Nursery School, as such:

~~*Nursery School: A facility that provides daytime care or instruction for more than five children (including those who live on the premises) and includes but is not limited to family day care centers, group day care centers, pre-school and other similar establishments regulated by the Connecticut Department of Human Resources.*~~

B. New definitions for ‘Child Care’, ‘Child Care Center’, ‘Child Care Home, Family’, and ‘Child Care Home, Group’ shall be included in Section 210, and placed in alphabetical order within the list of definitions, as such:

Child Care: The provision of a program of supplementary care of children on a regularly recurring but part-time basis in a place other than the child’s own home.

Child Care Center: A facility which offers or provides child care to twelve (12) or more children outside of their home on a regular basis.

Child Care Home, Family: Child care provided in a private family home for not more than (6) six children, including the provider's own children not in school full time, where the children are cared for not less than three or more than twelve hours during a twenty-four-hour period and where care is given on a regularly recurring basis except that care may be provided in excess of twelve hours but not more than seventy-two consecutive hours to accommodate a need for extended care or intermittent short-term overnight care. During the regular school year, a maximum of three additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three children who are in school full time, all of the provider's children shall be permitted.

Child Care Home, Group: Child care provided for more than six (6) but not more than twelve (12) children on a part-time, but regularly recurring, basis and where the principal provider of the services resides on the premises or that meets the definition of a family child care home except that it operates in a facility other than a private family home.

C. Section 403 shall be amended to allow ‘Child Care Home, Family’ as an accessory use in residential zones, as a new subsection ‘m’, as such:

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403. Permitted Accessory Uses

The following accessory uses shall be permitted. Approval of a Zoning Permit in accordance with Subsection 1102 shall be required for uses indicated by an asterisk:

m. Child Care Home, Family.

D. Section 404 shall be amended to allow ‘Child Care Home, Group’ by Special Permit in residential zones as an amended subsection ‘b’, as such:

404. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

b. ~~Nursery schools.~~ *Child Care Home, Group.*

E. Section 405 shall be amended to allow Child Care Centers by Special Permit as an accessory use to churches, clubs, and private schools, as a new subsection ‘f’ as such:

405. Accessory Uses Requiring Special Permits

The following accessory uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

f. Child Care Centers.

F. Section 714 shall be amended to allow Child Care Centers as a principal use requiring a Special Permit in the Office Business (OB) Zone, as a new subsection ‘e’, as such:

714. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Protected Town Landmarks.
- b. Dinner theaters.
- c. Clubs and lodges.
- d. Churches and other places of worship intended primarily to serve religious needs of the local community

e. Child Care Centers.

G. Section 904 shall be amended to establish a parking standard for ‘Day Care Centers’, as a new subsection ‘x’, as such:

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904. Off-Street Parking Spaces

Except as provided by Section 1000 and Subsection 1057, with respect to additional requirements as a condition for issuance of a Special Permit, the minimum off-street motor vehicle parking facilities shall be provided as follows:

a. One and two-family residences	2 spaces for each family unit.
b. Multi-family dwelling	2 1/2 spaces for each dwelling unit as provided in Section 512(a).
c. Housing for the Elderly	1 1/2 spaces for each dwelling unit except as provided in Subsection 514.2(e).
d. Roomers and Boarders accessory to a residence	1 1/2 spaces for each bedroom offered for rent.
e. Professional office or home occupation permitted by Special Permit in a residential zone as an accessory use	Up to 4 spaces maximum in addition to spaces required for residential units.
f. Hotel, Motel or Inn	1 space for each guest room, plus 1 space for each employee, plus additional space as required by these regulations for permitted accessory uses such as restaurants, dining rooms, lounges, and other similar spaces.
g. Church or other place of worship, theater, auditorium, athletic or recreational facility or other place of public assembly	1 space for each 3 seats or for each 200 square feet or for each 3 persons permitted by the Fire Marshal to occupy the building, whichever would be the greatest.
h. Restaurant or place dispensing food excluding patron bar area	1 space for each 100 sq. ft. of gross floor area. There is no parking requirement for areas in the basement or attic that are used exclusively for storage.
i. Patron bar area of restaurants taverns and cafes	1 space for each 20 sq. ft. of gross patron floor area.
j. Retail, Commercial sales and services, or personal service business	1 space for each 150 sq. ft. of gross floor area except where such areas are specifically exempted as per Section 1057.
k. Wholesale, storage or utility structure	1 space for each employee for which the building or use is designed or 1 space for each 500 sq. ft. of gross floor area whichever is greater.
l. Medical Offices	1 space for each 250 sq. ft. of gross floor area. In the DB-1 and DB-2 zones, the requirement shall be 4 spaces per physician and one space for each employee.
m. Executive and/or administrative,	1 space for each 250 sq. ft. of gross floor area

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business and professional offices	
n. Research Laboratory	1 space for each 250 sq. ft. of gross floor area.
o. Motor Vehicle Service Stations	At least 14 parking spaces plus a disabled vehicle storage area of at least 500 sq. ft. for lots up to 21,780 sq. ft. or 1,000 sq. ft. for lots over 21,780 sq. ft. for overnight parking and/or storage of motor vehicles, equipment and parts of vehicles. An additional 5 parking spaces shall be required if an accessory towing service is permitted by Special Permit. Additional appropriate parking spaces are to be determined by the Commission for any other accessory uses.
p. Railroad Passenger Station	1 space for each 3 regular passengers commuting from the station, as determined by the average number of commuter ticket books in use per month, to be provided within 500 feet from said railroad station platforms.
q. Automobile or Truck Sales or Rental	20 percent of the area of the lot intended for sale and storage of vehicles shall be reserved for customer/employee parking.
r. Furniture and Carpet Stores	6 spaces for each 1,000 sq. ft. of gross floor area.
s. Dinner Theater	1 space for each 3 seats or customer stations for which the facility is designed, plus 1 space for each employee station.
t. Other Uses	Reasonable and appropriate off-street parking requirements for structures and uses which do not fall within the categories listed above shall be determined in each case by the Commission.
u. Catering Business	1 space for each 250 sq. ft. of gross floor area.
v. Outdoor seating/dining as allowed by Special Permit in conjunction with a non-residential use that has sufficient on-site parking to comply with the Zoning Regulations	Seventeen seats or over will require one space for each two seats thereafter. No spaces are required for the first sixteen outdoor seats.
w. Self-storage Facility	4 outdoor parking spaces for the first 10,000 square feet of storage building, plus one additional parking space for each 10,000 square feet of storage building, or portion thereof. Required parking may be in front of storage units and/or parallel to the building to facilitate loading and unloading, and shall comply with all dimensional and layout requirements.

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<u>x. Child Care Center</u>	<u>1 space for every onsite worker, plus 1 space per 10 enrollees, plus adequate drop-off and pick-up area(s) as determined by the Planning and Zoning Commission. The Planning and Zoning Commission may modify these requirements in a transit-oriented location, office park, or other setting where the applicant demonstrates that adequate parking will be available for all onsite workers and visitors.</u>
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