

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
December 5, 2017

Application Number: Amendment to the Darien Zoning Regulations (COZR #7-2017)
Put forth by Greenwich Manor, LLC, 1063 Boston Post Road

Street Addresses: 1063 Boston Post Road
Assessor's Map #73 Lot #8

Name and Address of: Greenwich Manor, LLC
Property Owner(s): P.O. Box 234634
Darien, CT 06820

Name and Address of: Wilder G. Gleason, Esq.
Applicant's Representative: Gleason & Associates, LLC
455 Boston Post Road, Suite 201
Darien, CT 06820

Activities Being Applied For: Proposal to amend Sections 651, 652, 654, and 1005 of the Darien Zoning Regulations to permit financial service uses on the first floor of the Central Business District (CBD) by Special Permit. No drive-up windows or drive-up ATMs shall be allowed in connection with such uses. The full text of the proposed zoning regulation amendment is on file and available in the Town Clerk's office and the Planning and Zoning Office for inspection.

Zone: CBD

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

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

Publication of Hearing Notices
Dates: November 22 & 30, 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

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 it.

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

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1. The submitted subject application consists of a proposal to amend Sections 651, 652, 654, and 1005 of the Darien Zoning Regulations to permit Financial Service uses and other Business and Professional Office uses on the first floor of the Central Business District (CBD) by Special Permit. As part of the submitted proposal, no drive-up windows or drive-up ATMs shall be allowed in connection with such uses and a maximum of one curb cut per street on which the site fronts shall be permitted.
2. At the public hearing on the matter, attorney Gleason explained the proposed text amendments to the Commission. It was noted during the presentation that reference was being made to limiting curb cuts for any proposed Financial Service use, since there was concern about having the downtown continue to be pedestrian friendly, and limiting curb cuts will lead to that goal. After some discussion at the hearing and during deliberations, Commission members believed that proposed curb cuts for Financial Service uses could be reviewed and acted upon on a case-by-case basis as part of site plan and special permit approval, and the regulations did not need to specifically address that issue by limiting the number.
3. Commission members agree with the applicant that the existing standard for allowing banks and other Financial Service uses on the first floor within the CBD zone is found in Section 1005(h). The Commission believes that this standard, which is more difficult to meet than the existing Special Permit standard found in Sections 1005(a-g), is too stringent for Financial Service uses. The Commission believes that the Section 1005(a-g) standards for Financial Service uses is appropriate, and that it would be appropriate to delete Section 1005 from the Zoning Regulations.
4. The Commission agrees that Section 651 (Background and Purposes) should be amended to better reflect the Commission's decision herein.
5. As part of this decision, the Commission is only addressing modifications to the provisions for Financial Service Uses. No changes are being made relative to Business and Professional Offices, which will still need to meet the standard outlined in Sections 654(d) and 1005(h) of the Regulations. During the public hearing, commission members discussed the possibility of reviewing the standards related to Business and Professional office in the CBD zone (sections 654(g) and 1005(h) of the Regulations).
6. 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.
7. The Commission finds that the proposed amendments will foster pedestrian activity and enhance the walkability in the CBD Zone.
8. At the public hearing on the matter, one member of the general public spoke in support of the proposed zoning regulation amendment.

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NOW THEREFORE BE IT RESOLVED that the Amendment to the Darien Zoning Regulations (COZR #3-2017) 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.)

Changes to Sections 651, 652, and 654:

651. Background and Purposes

The Central Business District Zone is the Town's primary business area and is intended to be the focal point for retail and business and professional office activities with apartments encouraged on upper floors. These Regulations are designed to encourage the orderly development of this district in a manner which encourages the preservation of the existing architectural character of this zone and, at the same time, to provide the opportunity for creative and flexible architectural design. The sound inter-relationship of buildings to plazas and open spaces, provisions for proper pedestrian and vehicular circulation and consolidated central parking areas, and encouragement of a mix of housing and business uses which are necessary and desirable to serve the needs of the residential community are also specifically addressed in these Regulations. These Regulations are designed for Commercial Sales and Service uses (except for *certain* Financial Service uses) on the first floor areas and to provide sufficient spaces for Business and Professional Offices and encourage Dwelling Units in second floor spaces. The intent is to strengthen the viability of housing and retail business in the Central Business District and to foster pedestrian activity as fully as is practical *and to enhance the walkability of the Central Business District.*

652. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Commercial sales and services, except that Financial Service uses shall be located on upper floors, *unless approved pursuant to Section 654(d).*
- b. Business and professional offices, provided such uses are located on upper floors.
- c. Public and semi-public uses.
- d. Railroad stations and mass-transit facilities.
- e. Dwelling units located on upper floors.

654. 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. Restaurants.
- c. The sale of prepared food such as candy or ice cream for consumption on or off the premises.

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- d. Financial Service ~~and/or business and professional offices~~ uses on the first floor, provided that no drive-up windows or drive up ATM shall be allowed in connection with such uses. ~~the Commission makes a finding that the retail/commercial sales and service use (other than Financial Service uses) of such space is impractical, undesirable, and/or inconsistent with the standards under Subsection 1005h.~~
- e. Clubs and lodges.
- f. Personal Service Businesses.
- g. Business and professional offices on the first floor, provided that the Commission makes a finding that the retail/commercial sales and service use of such space is impractical, undesirable, and/or inconsistent with the standards under Subsection 1005(h).

Changes to Section 1005h:

1005. Standards for Approval

- h. In cases involving a request for an exception of Section 654 for special permission for first floor Business and Professional office ~~or Financial Service~~ use in lieu of commercial sales and service within the Central Business District, the Commission shall consider the presence or absence of off-street parking in direct proximity of the site, the character of surrounding uses, convenience of pedestrian access, location within the CBD and directly related types of considerations regarding the policies of the Town Plan of Development and the preference for commercial sales and services uses ~~(other than Financial Service uses)~~ on the first floor.