

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
January 23, 2018

Application Number: Proposed Amendments to the Darien Zoning Map (COZM #2-2017) and Proposed Amendments to Darien Zoning Regulations (COZR #6-2017) put forth by Baywater Corbin Partners, LLC.

Names and Address of:
Applicant(s): Baywater Corbin Partners, LLC
1019 Boston Post Road
Darien, CT 06820

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

Activity Being Applied For: Proposal to amend the Darien Zoning Map and Zoning Regulations to add 1.7067+/- acres to the Corbin Subarea (CBD-CS) within the Central Business District (CBD), and to amend the Corbin Subarea regulations (Section 690) to provide for the redevelopment of the properties on the northeasterly side of Corbin Drive, between Boston Post Road and Old King's Highway South. Building heights north of Corbin Drive will be limited to 3 stories and 50 feet.

Dates of Public Hearing: December 5, 2017
Deliberations held on: January 9, 2018

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

Publication of Hearing Notices
Dates: November 22, 2017 and November 30, 2017 Newspaper: Darien Times

Date of Action: January 23, 2018

Actions:

ZONING MAP AMENDMENT: ADOPTED WITH AN EFFECTIVE DATE OF
SUNDAY, FEBRUARY 11, 2018 AT 12:01 P.M.

ZONING REGULATION AMENDMENTS: ADOPTED WITH MODIFICATIONS WITH AN
EFFECTIVE DATE OF SUNDAY, FEBRUARY 11, 2018 AT
12:02 P.M.

Scheduled Date of Publication of Action: February 1, 2018
Newspaper: Darien Times

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

- the proposed zoning map and zoning regulation amendments must be consistent with the 2016 Town Plan of Conservation & Development for the Commission to adopt the 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 the Darien Zoning Map to modify the boundaries of the Corbin Subarea within the Central Business District (CBD) Zone.
 - B) The proposed zoning regulation amendments would provide for the redevelopment of the properties on the northeasterly side of Corbin Drive, between the Boston Post Road and Old King's Highway South. Building heights north of Corbin Drive will be limited to 3 stories and 50 feet. Parcels that have street frontage on opposite sides of Corbin Drive will be considered to be contiguous for development purposes when included in the same business site plan/Special Permit application.
2. A public hearing was held on this application on December 5, 2017, where the applicant and his representatives explained the proposed amendments to the Commission.

ZONING MAP AMENDMENT

3. In April 2017, the Planning and Zoning Commission approved an application to amend the Darien Zoning Map (COZM #4 2016) and Zoning Regulations (COZR #11 2016) to create a new 11.2463+/- acre Corbin Subarea within the Central Business District, and adopted a new Section 690 to regulate development in the new subarea. The existing Corbin Subarea encompasses the block between Corbin Drive, the Boston Post Road, and I-95 (Connecticut Turnpike).
4. The zoning map amendment put forth by the applicant includes a 1.7067+/- acre expansion of the existing 11.2463+/- acre Corbin Subarea within the Central Business District (CBD) Zone. The expanded area encompasses the properties at the corner of Corbin Drive and the Boston Post Road, 15 Corbin Drive, and the property at the corner of Corbin Drive and Old King's Highway South. Currently, these properties are used as a gas station and two single-story commercial buildings. The Corbin Subarea, including the proposed expansion is shown on a survey in the applicant's application booklet on page A-9, entitled, "Compilation Plan Depicting Boundaries of Proposed Corbin Subarea Prepared for Baywater Properties", dated March 3, 2016, last revised October 23, 2017.
5. The Commission previously noted and continues to note that the Corbin Subarea is unique in Darien for many reasons. It is a clearly defined area within the CBD Zone. This Subarea is bordered by The Connecticut Turnpike/I-95, the exit 11 off-ramp and Boston Post Road, and is located in one of the busiest commercial areas in the CBD Zone. The area has access to public transit via a bus route and Darien's Metro North station. As a result of the area's contiguous proximity to The Connecticut Turnpike/I-95 and the fact that it is not adjacent to any residential zones or properties, an increase of the permitted building height in this Subarea will have significantly less of an impact than in other locations in Town. Building heights north of Corbin Drive will be limited to three stories.

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6. The Commission finds that the expanded Subarea would encourage the redevelopment of properties that front on the north side of Corbin Drive, across the street from the existing Corbin Subarea, so that both sides of Corbin Drive could be redeveloped under a single plan, instead of developing only the southern side of the street.
7. The size of the area allows the applicant to incorporate the desirable public plazas and on-site parking spaces that are integral to the subarea's formation.
8. Based upon the evidence submitted, the Planning & Zoning Commission finds that due to the area's unique location, that the expansion of the Corbin Subarea within the CBD Zone is appropriate.
9. The Commission finds that the Zoning Map amendment as put forth by the applicant is consistent with the 2016 Town Plan of Conservation & Development.
- 10. NOW THEREFORE BE IT RESOLVED that Amendment of the Darien Zoning Map #2-2017 is hereby adopted by the Planning & Zoning Commission as put forth by the applicant.**

ZONING REGULATION AMENDMENTS

11. The proposed zoning regulation amendments would provide for the redevelopment of the properties on the northeasterly side of Corbin Drive, between the Boston Post Road and Old King's Highway South. The zoning regulation amendments would also permit the following:
 - a) Limit building height north of Corbin Drive to 3 stories and 50 feet;
 - b) Correct minor typographical corrections to certain subsections;
12. As part of this request, the applicants have prepared informal site plans, sketches and building elevations for the Commission to better understand the implications of the proposal and the potential impacts of the zoning regulation amendments. Formal site plan and special permit review will be subsequently required to develop any of these properties within the Corbin Subarea under the zoning map and zoning regulation amendment. At that time, the Commission will review specific site plan issues including, but not limited to parking, traffic, and stormwater management.
13. The Commission hereby confirms that these proposals described herein, to modify the zoning regulations, are consistent with the Town Plan of Conservation & Development.

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NOW THEREFORE BE IT RESOLVED that Amendment to Darien Zoning Regulations (COZR #11-2016), 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 Regulations to be amended accordingly.)

CENTRAL BUSINESS DISTRICT – CORBIN SUBAREA (CBD-CS)

692. 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.
- 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.

693. Permitted Accessory Uses

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

- a. Signs, as permitted in Section 920.
- b. Any building or use customarily incidental to a permitted use.
- c. Off-street parking and loading facilities in accordance with Section 900.

694. 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.

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- c. The sale of prepared food such as candy or ice cream for consumption on or off the premises.
- d. Financial Service and/or business and professional offices on the first floor, provided that 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~~ such uses are consistent with the standards under Subsection 1005h.
- e. Clubs and lodges.
- f. Personal Service Businesses.
- g. Larger Developments. The term “Larger Developments” shall mean developments located entirely within the Corbin Subarea that are on development sites that are a minimum of 3 acres in area.

698. Area and Bulk Regulations for Larger Developments within the Corbin Subarea

Larger Developments within the Corbin Subarea shall comply with the following area and bulk requirements. Dimensions are in feet unless otherwise indicated.

1. Minimum Site Area	3 acres (See Note a)
2. Minimum Lot Width	None (See Note a)
3. Minimum Lot Frontage	750 (See Note b)
4. Minimum Lot Depth	None (See Note a)
5. Minimum Front Yard	None (See Note c)
6. Minimum Side Yard	None (See Note c)
7. Minimum Rear Yard	See Note c
8. Maximum Height in Stories	See Section 658.1698.1
9. Maximum Height in Feet	See Section 658.1698.1
10. Maximum Building Coverage	None
11. Minimum Front Landscape Depth.	None
12. Maximum Developed Site Area	None
13. Maximum Floor Area of Dwelling Units	3,000 sq. ft.

Notes:

- a. Site area and frontage determine the width and depth of lots. A project site may consist of separately owned parcels, so long as they are contiguous- and are included in the same business site plan review/special permit application. When included in the same business site plan review/special permit application, parcels that have street frontage on opposite sides of Corbin Drive shall be considered to be contiguous with parcels that front on the opposite side of Corbin Drive.

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- b. Lot frontage shall be the total frontage along lot lines that separate the development site from local streets.
- c. None, except as follows:
 - (1) Except in areas adjacent to the boundary along Connecticut Turnpike/Interstate 95, if a side or rear yard shall be provided, it shall be at least four feet, except where an access or service road shall be provided through a side or rear yard, in which case the yard shall be at least 20 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 10 feet provided the full 20 foot wide access shall be assured;
 - (2) Where the applicable building code requires greater than four feet of separation between buildings on separate parcels, the minimum side or rear yard shall be increased as necessary to meet the applicable building code.
 - (3) The minimum yard adjacent to the lot line separating the site from the Connecticut Turnpike/Interstate 95 right-of-way shall be 20 feet, except as provided in Note (c)(1).
 - (4) Additional setback and stepback requirements for upper floors are set forth in Section 698.1.
 - (5) Building appurtenances, such as eaves, awnings and marquees, located at least 8 feet above a sidewalk or 16 feet above the surface of a parking area or road shall not be subject to minimum yard requirements.

698.1. Buildings Heights and Setbacks and Streets in Larger Developments in the Corbin Subarea

- a. Maximum building heights within the Corbin Subarea, south of Corbin Drive, shall comply with the following setbacks (see Section 233 “Height Zones—Corbin Subarea within the CBD Zone”):

Maximum Building Height in Stories & Feet	Setback from Boston Post Road	Setback from Corbin Drive	Setback from Interstate 95
3 stories/50 feet	None	None	20 feet
4 stories/55 feet	165 feet	None	20 feet
5 stories/70 feet	210 feet in part and 300 feet in part See Note 1	10 feet in part and 65 feet in part See Notes 1 &	20 feet

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Notes:

- (1) The exterior structure of the fifth floor of buildings located within 50 feet of Corbin Drive shall be stepped back not less than 10feet from the building facade that faces Corbin Drive, and the exterior structure of the fifth floor of buildings located within 300 feet of Boston Post Road shall be a minimum of 65 feet from the street line along Corbin Drive.
- (2) In addition to the setbacks from Boston Post Road and Corbin Drive, 5 story buildings shall not be located farther than 280 feet from Corbin Drive.

b. Building heights north of Corbin Drive shall be limited to 3 stories and 50 feet.

~~b.c.~~ Building heights in the Corbin Subarea shall be calculated as follows:

- (1) Building height shall be measured from the average elevation of the finished grade adjacent to the exterior walls of the building, in accordance with the definition of Building Height set forth in sections 210 and 225.
- (2) Where portions of the same building are subject to different maximum building heights based on their location relative to the street line, building height shall be calculated for each portion of the building that is subject to a different maximum building height.

~~e.d.~~ The location and specifications of the on-site streets and service roads shall be consistent with the Town Plan of Conservation and Development.

~~d.e.~~ Internal streets and service roads may be privately owned and maintained.