

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
March 27, 2018

Application Number: Proposed Amendment of the Darien Zoning Regulations COZR #1-2018
put forth by 1540-1574 Boston Post Road Realty, LLC
1540 Boston Post Road

Names and Address of:
Applicant(s): Darien Board of Education
35 Leroy Avenue
Darien, CT 06820

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

Names and Address of
Property Owner(s): 1540-1574 Boston Post Road Realty, LLC
c/o 95 Raymond Street
Darien, CT 06820

Activity Being Applied For: Proposal to amend Section 714 of the Regulations to permit educational uses in the OB Zone by Special Permit to match the uses already permitted in other office zones in Darien by allowing the following as a Special Permit use -- *Educational, philanthropic, cultural and recreational uses serving a community need or convenience.*

Date of Public Hearing: March 13, 2018
Deliberations held on: March 27, 2018

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

Publication of Hearing Notices
Dates: March 1 & 8, 2018 Newspaper: Darien Times

Date of Action: March 27, 2018 Action: ADOPTED
WITH AN EFFECTIVE DATE OF
SUNDAY, APRIL 8, 2018 AT 12:01 P.M.

Scheduled Date of Publication of Action: Newspaper: Darien Times
April 5, 2018

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 amendment.

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 Section 714 of the Regulations to permit educational uses in the OB Zone by Special Permit. This would match the uses already permitted in other office zones in Darien. The full text of the proposed zoning regulation amendment notes that the proposal is to specifically add the following to Section 714 (Principal Uses Requiring Special Permits in the Office Business (OB) Zone):
Educational, philanthropic, cultural and recreational uses serving a community need or convenience.
2. A public hearing was held on this application on March 13, 2018, where the applicant and the Board of Education's representative explained the proposed amendments to the Commission.
3. The applicant also submitted a related application as follows:
Special Permit Application #300 / Site Plan, 1540-1574 Boston Post Road Realty, LLC, Fitch Academy, 1540 Boston Post Road. Proposal to establish the Fitch Academy in a portion of the second floor space of 1540 Boston Post Road and to expand the existing first floor lobby.
4. The Commission notes that currently, the other offices zones in Darien, the DOR-1 and DOR-5 Zones, specifically allow the following by Special Permit:
Educational, philanthropic, cultural and recreational uses serving a community need or convenience.
This proposal would make this particular use consistent between all office zones within the Town. The Commission is now working on amendments to the zoning regulations to reduce the number of office zones in Town, and achieve increased consistency between the consolidated office zones. This proposal is consistent with that long-range planning work.
5. Based upon the evidence submitted, the Planning & Zoning Commission finds that allowing educational, philanthropic, cultural and recreational uses in the OB Zone would be appropriate and compatible with surrounding neighborhood uses.
6. The Commission finds that the proposed amendment to the OB Zone would not bring additional traffic beyond typical traffic for an office use to areas subject to the amended regulations.
7. Formal site plan and special permit review and approval by the Planning and Zoning Commission will be subsequently required to develop any properties within the OB Zone under the zoning regulation amendment. At that time, the Commission will review specific site plan issues including, but not limited to parking and traffic.
8. The Commission finds that the Zoning Regulation amendment, as put forth by the applicant, is consistent with the 2016 Town Plan of Conservation & Development.

NOW THEREFORE BE IT RESOLVED that Amendment to Darien Zoning Regulations (COZR #1-2018), is hereby adopted by adding a new subsection 714f, as follows:

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

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.
- f. Educational, philanthropic, cultural and recreational uses serving a community need or convenience. [Amended 3/27/2018]

[Amended 12/24/2017]