

**PLANNING AND ZONING COMMISSION**  
**ADOPTED RESOLUTION**  
**October 2, 2018**

Application Number: Proposed Amendment of the Darien Zoning Regulations COZR #7-2018

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

Names 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 Section 698.1 of the Darien Zoning Regulations to allow multiple levels, above ground parking structures within the Corbin Subarea. The amendment would not require parking levels to be counted as stories for the purpose of determining building height, provided that no part of a parking structure exceeds the maximum building height in feet within the height zone in which the parking structure is located. Proposal to amend Section 699.1 of the Regulations, eliminating obsolete subsection (g) with respect to design standards for parking specifically within the Corbin Subarea.

Date of Public Hearing: August 28, 2018  
Deliberations held on: September 4, 2018

Time and Place: 8:00 p.m. Room 206 Town Hall

Publication of Hearing Notices  
Dates: August 16 & 23, 2018

Newspaper: Darien Times

Date of Action: October 2, 2018

Action: ADOPTED WITH MODIFICATIONS  
WITH AN EFFECTIVE DATE OF  
SUNDAY, OCTOBER 21, 2018 AT 12:15 P.M.

Scheduled Date of Publication of Action:  
October 11, 2018

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 amendments.

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

1. The submitted subject application, put forth by Baywater Corbin Partners, LLC, consists of:
  - A) Proposal to amend Section 698.1 of the Darien Zoning Regulations to allow multiple level, above ground parking structures within the Corbin Subarea. The amendment would not

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require parking levels to be counted as stories for the purpose of determining building height, provided that no part of a parking structure exceeds the maximum building height in feet within the height zone in which the parking structure is located.

- B) Proposal for typographical changes to Section 698.1.
- C) Proposal to amend Section 699.1 of the Regulations, eliminating obsolete subsection (g) with respect to design standards for parking specifically within the Corbin Subarea.

### BACKGROUND

2. Recently, the Commission modified the Darien Zoning Regulations to allow above ground parking structures within the Central Business District-Corbin Subarea (CBD-CS). The subject regulation amendment regarding parking structures does not affect other zoning districts. Parking structures in other zones are addressed in Section 907 of the Regulations.
3. The prior version of the Corbin block redevelopment plans, eventually withdrawn by the applicant, did not include above ground parking in its proposed design. This regulation amendment is in response to the latest revised version of the Corbin block redevelopment plans, which include both underground parking as well as an above ground parking structure..
4. Section 907 of the Regulations, Parking Structures, applies to the entire Town, and limits parking structures to “one story above the finished elevation of surface parking. The proposed regulation amendment would specifically allow above ground parking structures greater than one story above the finished elevation of surface parking, and set parameters for development of such above ground relative to height.
5. The applicant proposes typographic changes to Section 698.1. The Commission accepts the change to the heading of Section 698.1, but believes that it would be appropriate to leave the “a” in the Notes section of 698.1 for easier reference.
6. Part of the application is to delete an obsolete reference to Section 226(a) of the Regulations, with respect to design standards for parking specifically within the Corbin Subarea. Section 226(a) no longer exists in the Darien Zoning Regulations, and thus, the reference should be deleted.
7. No members of the public commented on the application. WestCOG sent an e-mail dated August 20, 2018, which was read aloud at the public hearing, which notes that “*The opinion of WestCOG staff is that the proposal is of local interest and with minimal intermunicipal impact. Therefore, it is not being forwarded to adjacent municipalities and the regional staff is making no comment.*”

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CONSISTENCY WITH THE 2016 TOWN PLAN OF CONSERVATION & DEVELOPMENT.

8. The proposal is consistent with the 2016 Town Plan of Conservation & Development (the POCD or “Town Plan”), since it clarifies long-time Department policy. Points from the Town Plan:

- Page 76 #6 – “Revisit parking requirements and establish standards appropriate for a mixed-use downtown area”
- Page 169 – “Update Zoning Regulations to implement strategies, policies, and action steps in the POCD”

**NOW THEREFORE BE IT RESOLVED that Amendment to Darien Zoning Regulations (COZR #7-2018), is hereby adopted as follows:**

**Proposed Zoning Regulation amendments (Sections 698.1, 699.1) and associated related changes to the inside cover page, Table of Contents and Appendix ‘C’ of the Regulations.**

New wording underlined  
 Deleted wording in strikeout

**698.1. Buildings Heights, ~~and~~ Setbacks and Streets in Larger Developments**

- 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<br>See Note 1 | 10 feet in part and 65 feet in part<br>See Notes 1 & 2 | 20 feet                    |

Notes:

- a.
1. The exterior structure of the fifth floor of buildings located within 50 feet of Corbin Drive shall be stepped back not less than 10 feet from the building facade that faces Corbin Drive, and the exterior structure of the fifth floor of buildings located within

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- 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 in height.
  - 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.
    3. In above-ground parking structures, parking levels shall not be counted as stories for determining building height, provided that no part of a parking structure shall exceed the maximum building height in feet in the height zone in which the parking structure is located. The remaining provisions of Section 907 shall apply.
  - d. The location and specifications of the on-site streets and service roads shall be consistent with the Town Plan of Conservation and Development.
  - e. Internal streets and service roads may be privately owned and maintained.
- [Amended 2/11/2018]*

**699.1. Off-Street Parking for Larger Developments within the Corbin Subarea**

Developments within the Corbin Subarea shall include sufficient off-street parking facilities, subject to the following:

- a. Parking shall comply with the provisions of Section 900, except as otherwise provided in this Section 690.
- b. Parking structures located below grade shall not count as stories in determining building height or gross floor area.
- c. Off-street parking for residential and office tenants may be reserved for such tenants, provided the Commission finds that the remaining parking shall be sufficient for the other uses in the project.
- d. A parking study shall be performed by a qualified parking or traffic consultant, and shall include the following:
- e. The study shall identify the properties and uses of the development and other sites within the Corbin Subarea.

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1. The study shall use relevant shared parking guidelines and research, published by a reputable nationally-recognized organization, in the estimation of parking demand and shared parking factors by use and/or time of day for the subject development.
  2. Reductions for Alternative Transportation Services, Transit Oriented District, Off-Site Parking, On-Street Parking shall be considered in the analysis.
- f. A Parking Management Plan shall be submitted outlining the provisions to assure that parking is shared as projected in the parking study, and that the shared parking arrangement provides that all of the required number of parking spaces are within the Project limits. The Parking Management Plan shall include the following:
1. A site plan showing parking spaces intended for shared parking and their proximity to the uses they will serve.
  2. Designation of parking areas reserved for particular uses or groups of uses, and signage directing parkers to the designated locations.
  3. A pedestrian circulation plan showing connections and walkways between parking areas and land uses.
  4. A written plan outlining practices that will support successful shared parking, including but not limited to, access controls and enforcement techniques.
- ~~g. Section 226a design standards apply.~~

These amendments to the Darien Zoning Regulations shall become effective at 12:15 P.M on October 21, 2018.