

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
June 22, 2021

Application Number: Amendments to the Darien Zoning Regulations (COZR #1-2021)

Name and Address of Applicant's Representative: Craig Flaherty, P.E.
Redniss & Mead
22 First Street
Stamford, CT 06905

Name and Address of Applicant: Parklands Darien, LLC
And Property Owner(s): c/o Bob Gillon
3 Parklands Drive
Darien, CT 06820

Activities Being Applied For: Proposal to add a new Section 460 to the Darien Zoning Regulations to establish a new Designed Office Multi-Family Residential Overlay Zone that would be applied to the Designed Office (DO) Zone throughout the Town, and to amend Sections 796 and 904 of the Regulations. The overlay zone would allow multi-family residential dwellings as a principal use requiring a Special Permit and Site Plan approval. Applications would be subject to Special Permit review by the Commission. The existing parking standard for multi-family dwellings would be reduced.

Date of Public Hearing: April 27, 2021 continued to May 18, 2021 and June 1, 2021

Deliberations Held: June 8, 2021 and June 22, 2021

Time and Place: 7:30 p.m. online via GoToMeeting Darien Town Hall

Publication of Hearing Notices

Dates: April 15 & 22, 2021 Newspaper: Darien Times

Date of Action: June 22, 2021

ADOPTED IN PART WITH MODIFICATIONS
WITH AN EFFECTIVE DATE OF SUNDAY,
AUGUST 1, 2021 AT 12:01 P.M.;
AND DENIED IN PART

Scheduled Date of Publication of Action: Newspaper: Darien Times
Thursday, July 1, 2021

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

- the proposed zoning regulation amendments must be consistent with the 2016 Town Plan of Conservation & Development for the Commission to adopt them.

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

1. The submitted application consists of a proposal to amend add a new Section 460 to the Darien Zoning Regulations and to amend Sections 796 and 904 of the Regulations to establish a new

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Designed Office Multi-Family Residential Overlay Zone that would be applied to the Designed Office (DO) Zone throughout the Town. The overlay zone would permit multi-family residential dwellings as a principal use requiring a Special Permit. Applications would be subject to Special Permit Review and Site Plan review by the Commission. The existing parking standard for multi-family dwellings is proposed to be reduced in Section 904. The full text of the proposed zoning regulation amendment was on file and available in the Town Clerk's office and the Planning and Zoning Office for inspection, and online at www.darienct.gov/pzc.

APPLICANT'S PROPOSAL

2. As noted, there are three (3) aspects of the application:
 - a) Create a new Section 460—the establishment of a new Designed Office Multi-Family Residential (DOMR) Overlay Zone;
 - b) Modify Section 796 Note c of the Darien Zoning Regulations (the Area and Bulk Requirements in the DO zone);
 - c) Modify Section 904b--the parking standard for “multi-family dwelling”.Appendix D of the applicant's submitted application booklet outlines the proposed text amendments in detail. As a technical change, if the Commission adopts the proposal and creates the new overlay zone, that zone will need to be listed in Section 311 of the Zoning Regulations, which lists the various zoning classifications and districts in Town.
3. The Commission specifically notes that a December 22, 2020 Property & Topographic Survey of the 1 Parklands Drive and 3 Parklands Drive properties was submitted with the application. This showed the location of these properties relative to the properties on the west side of Fairmead Road as well as to Selleck's Woods to the south.

PROPOSED CREATION OF NEW SECTION 460--OVERLAY ZONE

4. The submitted application booklet reviewed, in detail within Appendix F, the other Designed Office (DO) zones and properties now in Darien. These are located at:
 - Parklands Office Park—1 and 3 Parklands Drive (7+ acres)
 - 85 Old King's Highway North (4+ acres)
 - 320, 330, 354 Boston Post Road (4+ acres)
 - 90 and 120 Tokeneke Road (12+ acres)
 - State of Connecticut DOT property (0.17 acres)
 - Old King's Highway South and Tokeneke Road property near downtown (9+ acres)
 - Thorndal Circle Office Park (12+ acres)
 - 106 Noroton Avenue (1+ acres)
 - 4 Ledge Road (0.13 acres)
 - 1500, 1540 and 1574 Boston Post Road (2+ acres)

Overall, the applicant documented that there are nearly 55 acres of DO zoned land in Darien. The Darien Zoning Map showing each of those properties was submitted for and is included as part of the record on the matter. At the first public hearing on the matter, one of the property owners, Jerry Nielsen, the owner of the Thorndal Circle Office Park, spoke in favor of the proposal.

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PROPOSED MODIFICATION OF SECTION 796 NOTE C

5. The proposed modification to Section 796 of the Darien Zoning Regulations would delete the words, “in the case of a senior living facility”. This will allow any new multi-family development constructed in this overlay zone to finish a portion of the basement.

PROPOSED MODIFICATION OF SECTION 904b—MULTI-FAMILY DWELLING PARKING REQUIREMENTS

6. During the public hearing time frame from April 27 to June 1, it became apparent that there was a proposal in the Connecticut State Legislature regarding standards for parking for multi-family housing. Also during that time frame, the Darien Planning & Zoning Commission put forth an application to also modify the existing standard for parking for multi-family dwellings in the Town. That application is COZR#3-2021.
7. The State legislature’s bill (House Bill 6107/Public Act 21-29) would prohibit Planning & Zoning Commissions from requiring more than a certain amount of parking for multi-family housing. However the Commission notes that, a Planning & Zoning Commission can opt-out of that standard if they and the legislative body, in this case, the Representative Town Meeting (RTM) votes to do so. A comparison of the proposals is as follows:

REQUIRED PARKING FOR MULTI-FAMILY HOUSING

<u>Unit Size</u>	<i>Existing Parking Regulations</i>	<i>Planning & Zoning Commission proposal COZR3-2021</i>	<i>Parklands LLC proposal COZR1-2021</i>	<i>House Bill 6107</i>
Studio	2.5	1	1.5	1
1 Bedroom	2.5	1	2	1
2 Bedroom	2.5	2	2.5	2
3+ Bedroom	2.5	2	2.5	2

All numbers are in parking spaces required per unit.
Note: Existing parking is found in Section 904b of the Zoning Regulations.

Source: Darien Planning & Zoning Department

8. At the June 1, 2021 public hearing on the subject application, Planning & Zoning Department staff compared the proposal put forth by the Commission, the proposal which is the subject of this application, and House Bill 6107 (which was voted into law as Public Act 21-29). As of the date of this decision (June 22, 2021), no decision has been made on the pending Commission application COZR #3-2021, or whether the Town will opt-out of the House Bill 6107/Public Act 21-29 multi-family parking standard, which will become law on October 1, 2021.

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NEIGHBORS' CONCERNS VOICED AT PUBLIC HEARING

9. At the public hearings, numerous members of the general public voiced concerns regarding the zoning regulation amendments. These included letters, e-mails, and comments at the public hearings. Those comments are part of the record in this matter, and have been considered by the Commission.
10. The Commission acknowledges that even if the proposed zoning regulation amendments were adopted, the applicant still requires an associated Special Permit and Site Plan application review and approval to proceed with any development. During the Commission's review of the Site Plan and Special Permit, issues such as traffic, parking, landscaping, signage, and potential impacts on abutting properties and the neighborhood will be reviewed and analyzed. Those issues would be inappropriate to specifically address here as part of a zoning regulation text amendment application.

REQUIRED FINDING OF CONSISTENCY WITH 2016 TOWN PLAN OF CONSERVATION & DEVELOPMENT

11. As part of the application, the applicant put forth that the proposal is consistent with the 2016 Town Plan of Conservation & Development (POCD). To support this claim, specific pages from the 2016 Town Plan of Conservation & Development were submitted for the record by the applicant, and included in their submitted application booklet as Appendix E. These include the following:
Page 4: Development Strategies "Continue to diversify Darien's Housing Portfolio"
Page 98: Maintain Residential Character "Darien's zoning approach will continue to recognize the prevailing development of: a range of housing types to meet a broad array of housing needs; moderate densities in areas with bus service,"
Page 104: Housing needs of an aging population "To accommodate future housing needs, Darien may consider allowing... additional multi-family housing units in appropriate places and configurations to address potential future needs;"
Page 105: Housing that is more affordable "Darien will seek to encourage both affordable rental units and affordable ownership units in appropriate locations at appropriate densities."
Page 106: Continue to Diversify Darien's Housing Portfolio
Page 159: Future Land Use Plan
The Parklands site and all Designed Office Zones are indicated on both the Policy Area Map (page 161) and the Future Land Use Plan (page 163) as Possible Development Opportunity Areas which are defined on page 162 as follows: "Possible Development Opportunity Areas: Areas currently zoned for business which should be retained for economic development and/or used to help meet the housing needs of the community. The regulations for these areas (and the number and location of zoning districts) should be reviewed and refined to ensure they will encourage the most appropriate development."
12. The Commission hereby does not approve or adopt the proposed modifications by the applicant to Section 904b. The Commission's current pending application (COZR#3-2021), which is also a similar application to modify Section 904b regarding the parking standard for "multi-family dwelling", will formally address this matter. A decision on that application is expected in July 2021. While a modification to the existing multi-family parking standard is likely to be an outcome of the decision in COZR#3-2021, it would be premature to decide this application,

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in light of the bill passed in the State legislature near the end of this public hearing process. As part of the Commission's decision in COZR#3-2021, the Commission will have to reconcile their own application put forth along with the requirements of the new Public Act 21-29.

NOW THEREFORE BE IT RESOLVED that the Amendment to the Darien Zoning Regulations (COZR #1-2021) is hereby *adopted in part with modifications and denied in part*, subject to the foregoing and following modifications and understandings:

To summarize, the amendments are:

Section 460—ADOPTED

Section 796 note 'c'—ADOPTED

Section 904—DENIED

Section 311—ADOPTED (solely to list and identify the newly created overlay zone)

NEW WORDING IN BOLD; DELETIONS IN STRIKEOUT:

(Appendix C of the Zoning Regulations and Table of Contents to be amended accordingly.)

CREATE A NEW SECTION 460 OF THE REGULATIONS:

SECTION 460. DESIGNED OFFICE MULTI-FAMILY RESIDENTIAL OVERLAY ZONE (DOMR)

461. Background and Purposes

The Designed Office Multi-Family Residential Overlay Zone is an overlay zone intended to allow for the conversion or redevelopment of suburban office campuses, or portions thereof, in the Designed Office Zone into multi-family units for rental or sale. In keeping with the Plan of Conservation and Development, the overlay zone encourages the continued diversification of Darien's housing portfolio to include a range of housing types to meet a broad array of housing needs. Multi-family units offer opportunities for people for whom a single-family residence or large townhome does not meet their life-stage and lifestyle needs. This includes younger people for whom an apartment may be more affordable as well as older residents seeking to move down from a single-family home and its inherent maintenance requirements. The creation of additional dwelling units within this zone also creates more affordable, below market rate dwelling units in accordance with the Inclusionary Zoning Regulations.

462. Site Requirements

The site shall be in the Designed Office Zone at the time this section was adopted and served by public water and public sanitary sewer at sufficient capacities to serve the redevelopment of the site.

463. Principal Uses Requiring Special Permits

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The following uses may be permitted subject to approval of a Special Permit in accordance with Section 1000, and the standards set forth in this Section 460 and Section 790:

- a. Multi-family dwellings.**
- b. Related accessory buildings, structures and uses.**

464. Area and Bulk Requirements

The area and bulk requirements shall meet the minimum and maximum standards of the underlying Designed Office Zone specified in Section 796, and the parking standards specified in Section 900.

465. Additional Standards

- a. A pergola or similar feature used to define the entrance to an open space preserve may be located within the rear yard.**
- b. Parking for public use to access an open space preserve may be setback twenty feet (20') from said open space preserve.**

466. Consistency with other Regulations

To the extent not modified by this Section 460, all other zoning regulations governing development within the underlying Designed Office Zone shall apply to developments under this Section.

AMEND THE DARIEN ZONING REGULATIONS TO REMOVE MODIFY SECTION 796.
NOTE C. AS FOLLOWS:

- c. ~~In the case of a senior living facility, a~~ portion of the basement may be finished and used for purposes other than storage, parking, or mechanical equipment provided the area of such finished space is less than 10% of the floor area of the story immediately above and the uses are common to the users of the building such as administrative offices, lobbies, and common areas.**

MODIFY SECTION 311 (ZONE CLASSIFICATIONS) BY ADDING TO THE END OF THE LIST:
DOMR Designed Office Multi-Family Residential Overlay Zone

Note: No changes are being adopted to Section 904.

The effective date of these Regulation Amendments is noted on page 1 of this Resolution.