

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
April 5, 2016

Application Number: Proposed Amendments to the Darien Zoning Map (COZM #1-2016)
Proposed Amendments to the Darien Zoning Regulations (COZR #1-2016)
put forth by Parklands Office Park, LLC

Street Address: 1 & 3 Parklands Drive and #1 CT Turnpike East
Assessor's Map #35 Lot #34 (1 & 3 Parklands Drive) and Map #35 Lot #36 (#1 CT Turnpike East)

Name and Address of Property Owner: Parklands Office Park, LLC
3 Parklands Drive
Darien, CT 06820

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

Activity Being Applied For:

- A) Proposal to modify the Darien Zoning Map. The subject properties proposed to be rezoned are:
- Parklands Office Park (#1 and #3 Parklands Drive) - shown on Assessor's Map #35 as Lot #34 - which is proposed to be rezoned from DOR-5, R-1/2 and R-1 to be entirely DOR-1. Parklands Office Park is property 7.9+/- acres in size generally located between the I-95 northbound rest area and properties on the westerly side of Fairmead Road. It is located at the end of Parklands Drive approximately 400 feet south of its intersection with Old Kings Highway North; and
 - A portion of State of CT DOT I-95 right-of-way and a portion of the adjacent northbound rest stop property (#1 CT Turnpike East) - shown on Assessor's Map #35 as Lot #36 - which is proposed to be rezoned from DOR-5 to DOR-1; and
 - A portion of the Fairmead Road right of way south of #23 Fairmead Road which is proposed to be rezoned from DOR-5 to R-1. This portion of right-of-way is 0.13+/- acres in size and shares its northerly point with the southerly point of #23 Fairmead Road and is 26+/- feet wide and 281+/- long.
- B) Proposal to modify the Darien Zoning Regulations to: modify the definition of Assisted Living Facility (ALF) and to permit senior living facilities in the DOR-1 and DOR-5 zones and make other regulation changes to allow the adaptive re-use and expansion of an office building to be used as an Assisted Living and Memory Care facility (Modifying Section 210 and Sections 701, 703, 705, and 706).

Date of Public Hearing: January 26, 2016 continued to February 23, 2016
Deliberations held on: March 8, 2016

Time and Place: 8:00 P.M. Room 119 (1/26) and 206 (2/23) Town Hall

Publication of Hearing Notices
Dates: January 15 & 22, 2016

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February 13 & 19, 2016

Newspaper: Stamford Advocate (2/13)
Darien News (2/19)

Date of Actions: April 5, 2016

Actions:

Zoning Map Amendments--

ADOPTED WITH AN EFFECTIVE DATE OF
SUNDAY, APRIL 17, 2016 AT TWELVE NOON.

Zoning Regulation Amendments--

ADOPTED WITH AN EFFECTIVE DATE OF
SUNDAY, APRIL 17, 2016 AT TWELVE NOON.

Scheduled Date of Publication of
Actions: April 15, 2016

Newspaper: Darien News

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

- the proposed Zoning Regulation and Zoning Map amendments must be consistent with the 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 subject applications consist of two aspects: zoning map amendments and zoning regulation amendments. As part of this request, the applicant has not proposed a specific site plan for the Commission's review or consideration. During the public hearing, various plans were shown to the Commission to enable them to better understand the implications of the map and regulation amendments, and to see how such changes could result in redevelopment of the Parklands Office Park property. A subsequent, formal application will need to be made to the Planning & Zoning Commission for site plan and special permit approval.

ZONING MAP AMENDMENTS

2. The proposal to modify the Darien Zoning Map consists of three separate but related parts. They are:
 - a) Parklands Office Park (#1 and #3 Parklands Drive) - shown on Assessor's Map #35 as Lot #34 - which is proposed to be rezoned from DOR-5, R-1/2 and R-1 to be entirely DOR-1. Parklands Office Park is property 7.9+/- acres in size generally located between the I-95 northbound rest area and properties on the westerly side of Fairmead Road. It is located at the end of Parklands Drive approximately 400 feet south of its intersection with Old Kings Highway North; and

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- b) A portion of State of CT DOT I-95 right-of-way and a portion of the adjacent northbound rest stop property (#1 CT Turnpike East) - shown on Assessor's Map #35 as Lot #36 - which is proposed to be rezoned from DOR-5 to DOR-1; and
 - c) A portion of the Fairmead Road right of way south of #23 Fairmead Road which is proposed to be rezoned from DOR-5 to R-1. This portion of right-of-way is 0.13+/- acres in size and shares its northerly point with the southerly point of #23 Fairmead Road and is 26+/- feet wide and 281+/- long.
3. As part of the record in this matter, the applicant submitted a map showing the existing zoning map for the vicinity ("500' Vicinity Map Parklands Assisted Living", Darien CT by Redniss & Mead, 11" x 17" color map); what changes are proposed ("Zone Changes Parklands Assisted Living", Darien CT by Redniss & Mead, 8-1/2" x 11" color map); and a map showing what the zoning map would result in if the proposal is approved as submitted ("Proposed Zones, Parklands Assisted Living", Darien CT by Redniss & Mead, 8-1/2" x 11" color map). While an additional survey was also submitted for the record entitled, "Property Survey Depicting Zone Change 1 & 3 Parklands Drive Prepared for Parklands Office Park, LLC" by William W. Seymour & Associates, dated December 4, 2015, that survey does not show all of the changes, since the DOT rest stop property is not shown in its entirety on that survey, and that is proposed to be rezoned from DOR-5 to DOR-1.
 4. This proposal would result in the entire Parklands Office Park property (shown on Assessor's Map #35 as Lot #34, being entirely in the DOR-1 Zone. Currently, the property is in the DOR-5, R-1 and R-1/2 Zones.
 5. Per Section 8-3 of the Connecticut General Statutes, the Commission must state upon the record the reason why such change is made, and note whether it is consistent with the Town Plan. The Commission hereby finds that the proposed changes are consistent with the Town Plan. These changes allow for future adaptive re-use of the Parklands Office Park building 1. It also will have the zoning boundary lines better follow existing lot lines. The Parklands office park property (Lot #34) will now be in one zoning district, rather than in three zoning districts). The rezoning of other pieces of property has also been reviewed by the Commission and is logical. The final adopted changes approved herein are shown as:
 - "Property Survey Depicting Zone Change 1 & 3 Parklands Drive Prepared for Parklands Office Park, LLC", by William W. Seymour & Associates, dated December 4, 2015

ZONING REGULATION AMENDMENTS

6. The applicant has submitted a related proposal to modify the Darien Zoning Regulations to: modify the definition of Assisted Living Facility (ALF) and to permit senior living facilities in the DOR-1 and DOR-5 zones and make other regulation changes to allow the adaptive re-use and expansion of an office building to be used as an Assisted Living and Memory Care facility (Modifying Section 210 and Sections 701, 703, 705, and 706).
7. The subject property is 7.9 acres. The proposal is to take down Building One to its superstructure and rebuild it and expand it. Building Two will remain as is. The proposal is for

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a combination of Assisted Living and Memory Care. There are now 231 parking spaces on site and they propose a total of 234 parking spaces which will be shared. The existing buildings together now comprise 34,840 square feet as was approved in Special Permit Application 42-E.

8. During the public hearing, there was concern regarding the proposed open space, and the fact that on the subject property, open water/lake cannot be constructed upon whether it is protected or not. The Commission agrees that open space shall be provided as part of the regulation amendment which will allow for an increase in allowable Building Coverage. However, the Commission believes that open water or lake should not count towards that open space. The Commission hereby modifies subsection 705 Note C accordingly.
9. There is one other DOR-5 Zone in Darien, which is now on Tokeneke Road and comprised of Zotos and one other building. The proposal is to change the subject property from DOR-5 to DOR-1 and to have the zone boundary lines follow the property boundary. State projects on State property don't need to meet local zoning.
10. Among the changes to the Zoning Regulations proposed is to the Background and Purposes in the Regulations to subsection 701 to specifically mention senior living. Another proposed change is to add to Section 703d to allow this use by Special Permit with a reference to Section 627 of the Regulations (DB-2 Zone). There are now two other such facilities in Town: Atria which is in the (SB) Service Business Zone, which is a combination Independent and Assisted Living Facility; and Maplewood in the DB-2 Zone which is Assisted Living and Memory Care. The third proposed change is to Section 705. The applicants propose to change the maximum number of stories, maximum height, and building coverage. Note B will allow for some finished space in the basement. They wish to screen the mechanical units on the roof and thus are asking the maximum building height to be expanded from 28 feet to 35 feet. The Building Coverage in this zone now allows a maximum of twenty percent. Section 706 includes a maximum impervious coverage. The new regulation would require dedicated open space.
11. Another proposed amendment to the Regulations is to Subsection 706a. This will allow the Planning & Zoning Commission to waive the setbacks for any parking facing I-95. The seventh change is relative subsection 706 l relative to building setbacks.
12. In summary, the Zoning Regulation amendments proposed to be amended are the following:
 - a) Modify the definition of Assisted Living Facility in Section 210;
 - b) Modify Subsection 701—Background and Purposes;
 - c) Add a new use in subsection 703d--_Principal Uses Requiring Special Permits
 - d) Modify subsection 705, including adding a Note B and a Note C;
 - e) Modify subsection 706 a; and
 - f) Modify subsection 706 l.
13. The Commission finds that the proposal complies with the Town Plan of Conservation & Development as this fills a housing need within the community and provides housing options.

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NOW THEREFORE BE IT RESOLVED that Amendment to Darien Zoning Regulations (COZR #1-2016), is hereby adopted as shown below:

NEW WORDING IN BOLD AND UNDERLINE, DELETIONS IN STRIKEOUT:

SECTION 210. DEFINITIONS

Assisted Living Facility (ALF): A managed residential community consisting of private residential units and providing assistance with activities of daily life such as meal service, laundry service, housekeeping, social and recreational activities, transportation and personal services in a group setting to persons primarily fifty-five (55) years and older who require help or aid with activities of daily living. An ALF may provide nursing-type services, but is not a nursing home or convalescent facility as defined by State of Connecticut Regulations. ~~See also Subsection 667 and the definition of a Private Residential Unit.~~

701. Background and Purposes

This zone is intended to allow the establishment of executive and administrative corporate uses, **senior living facilities**, and structures in appropriate locations within the Town in keeping with the purposes set forth in these Regulations and in the Town Plan. Given the close proximity of residentially-zoned districts, it is the intention of this zone to achieve the following objectives: protect the environmental character of the land and its particular suitability for this specific use; control against congestion in the streets; preserve property values; provide a balanced system of business development; and preserve the residential character of the community.

703. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Offices, executive and administrative.
- b. Research and design laboratories, but excluding manufacturing, processing, assembly and packaging of products for sale or distribution.
- c. Educational, philanthropic, cultural and recreational uses serving a community need or convenience.
- d. **Assisted Living Facility, Memory Care Facility or combination thereof as defined in Section 627.**

705. Area and Bulk Requirements

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The following requirements for the DOR-1 and DOR-5 Zones shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

	<i>DOR-1</i>	<i>DOR-5</i>
1. Minimum Lot Area	1 acre (43,560 sq.ft.)	5 acres (217,800 sq.ft.)
2. Minimum Lot Width	150	300
3. Minimum Lot Frontage	75	100
4. Minimum Lot Depth	150	300
5. Minimum Front Yard	40	100
6. Minimum Side & Rear Yards	35	75
7. Minimum Setback From Any Residence Zone	50	100
8. Maximum Height in Stories	2 (See Note B)	2
9. Maximum Height in Feet	28 35	28
10. Maximum Building Coverage	20% (See Note C)	15%
11. Off-Street Parking Spaces	See Note A	See Note A
12. Maximum Floor Area Ratio	None	0.15

Note A:

As required in Section 900. However, in approving a plan, the Commission may permit a portion of the required spaces to be developed as landscaped open space if the applicant can demonstrate to the Commission's satisfaction that the additional open space can be used for parking if subsequently needed and where it finds that the lesser number of parking spaces to be developed shall meet the applicant's actual parking needs.

Note B:

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.

Note C:

In order to increase the amount of protected open space in town, the Commission may permit a 1% increase in Maximum Building Coverage for each additional 2% of the property protected as open space. The open space shall be of a size, location, and context to provide conservation value and shall be permanently protected by a legal instrument acceptable to the Commission. Open water/lake shall not count towards such open space. In such cases, Maximum Building Coverage shall not exceed 25%.

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706.Special Controls

- a. ~~Landscaping, screening and buffer areas shall be provided in accordance with Section 940.~~ **Off-street parking design standards and buffering per Sections 226, 900 et. seq. and 940 et. seq. shall be applicable, except that the Commission may waive or reduce such requirements where it finds that the adjacent land is railroad or Connecticut Turnpike rights-of-way, or that the adjacent land is public land (except streets as defined herein) of the State or of the Town.**
1. In approving any Site Plan, the Commission may permit the specified minimum side and rear yards to be reduced to not less than ~~25~~**20** feet, where it finds that the adjacent land is railroad or Connecticut Turnpike rights-of-way, or that the adjacent land is public land (except streets as defined herein) of the State or of the Town.

These changes shall take effect on Sunday April 17, 2016 at 12:01 p.m.
This effective date and time will give staff an opportunity to publish this decision in a local newspaper, and file the new official zoning map and regulations with the Town Clerk.