

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
May 24, 2016

Application Number: Proposed Amendment to the Darien Zoning Map (COZM #2-2016)
Proposed Amendments to the Darien Zoning Regulations (COZR #3-2016)
put forth by the Darien Housing Authority

Street Address: 701-719 Boston Post Road
Assessor's Map #16 Lot #59

Name and Address of Applicant & Applicant's Representative: D. Bruce Hill, Esq.
Law Office of Bruce Hill, LLC
30 Old King's Highway South
PO Box 1103
Darien, CT 06820

Names and Addresses of Applicant & Property Owner: Darien Housing Authority
24 Allen O'Neill Drive
Darien, CT 06820

Activity Being Applied For: Proposal to: 1) modify the Darien Zoning Map by applying the Municipal Use Zone to the subject property as an overlay zone; and 2) modify section 420 *et. seq.* of the Darien Zoning Regulations to modify the MU Zone to allow a maximum building coverage of 25 percent; and to permit more than one principal use on a parcel.

Subject Property: The subject property is located on the north side of Boston Post Road at the northeast corner formed by its intersection with Academy Street, and is shown on

Zone: DB-1/DBR Zone.

Date of Public Hearing: February 23, 2016 continued to March 1, 2016, March 22, 2016,
and to March 29, 2016 then immediately continued to April 19, 2016
Deliberations held on: May 10, 2016

Time and Place: 8:00 P.M. Auditorium Room 206 (2/23 and 4/26) Town Hall

Publication of Hearing Notices
Dates: February 12 & February 19, 2016 Newspaper: Darien News

Date of Action: May 24, 2016

Actions:

Zoning Regulation Amendments: WITHDRAWN IN PART AND ADOPTED IN PART
WITH AN EFFECTIVE DATE OF SUNDAY, JUNE 19, 2016 AT 12:01 P.M.

Zoning Map Amendment: ADOPTED WITH AN EFFECTIVE DATE OF
SUNDAY, JUNE 19, 2016 AT 12:01 P.M.

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PUT FORTH BY THE DARIEN HOUSING AUTHORITY, 719 BOSTON POST ROAD
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Scheduled Date of Publication of Action: Newspaper: Darien News
June 3, 2016

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

- the proposed zoning map amendment and zoning regulation 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 application consists of two parts:
 - a) modify the Darien Zoning Map by applying the Municipal Use Zone to the subject property as an overlay zone; and
 - b) modify the Darien Zoning Regulations by:
 - 1) modifying the Municipal Use (MU) overlay Zone to allow a maximum building coverage of 25 percent (proposed modification to subsection 422 of the Regulations).
 - 2) permitting more than one principal use on a parcel (proposed modification to subsection 422 of the Regulations).

A related site plan/special permit/land filling and regrading application has been submitted to redevelop Old Town Hall Homes. That is the subject of a separate decision by this Commission.

ZONING MAP AMENDMENT

2. The subject property as noted on the submitted application form is shown on Assessor's Map #16 as Lot #59. A submitted survey prepared by Edward J. Frattaroli, Inc., entitled, "Plot Plan prepared for Old Town Hall Homes", and dated May 26, 2015 lists the property as 2.2+/- acres. It shows this property as Map #16 as Lots #59, 60, and 61. The subject property now contains six buildings with 30 deed-restricted apartments, and the building known as 701 Boston Post Road. During the public hearing, it was noted that 701 Boston Post Road is owned by the Town of Darien, and is the former Darien Community Fund building. The Darien Community Fund has since vacated the premises. It is a historic structure.
3. At the public hearing, background was given on the establishment of the Municipal Use (MU) overlay zone in Darien. It was stated that this overlay zone allows for greater density and building height for municipal projects, such as were established within the past fifteen years for the Darien Police Station and the Darien Library. The Commission finds that it would be appropriate to apply the Municipal Use overlay zone to this property.

ZONING REGULATION AMENDMENTS

4. During the public hearing process, the applicant's representative, Attorney Bruce Hill, explained the proposed provision to permit more than one principal use on a parcel. This was a modification to subsection 422 of the Regulations. He stated that this would allow for the Old Town Hall Homes to be redeveloped, as well as for the Town of Darien to continue using 701

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Boston Post Road in some capacity. Later during the public hearing process, Attorney Hill stated that in his opinion, a specific provision to permit more than one principal use on a parcel was not necessary, as the Regulation currently allows such. The Commission agrees. Mr. Hill subsequently withdrew that aspect of the zoning regulation amendment application.

5. The Commission voiced its concern with increasing the allowable Building Coverage in the MU overlay zone from 20% to 25%. The applicant confirmed that the proposed Old Town Hall Homes redevelopment would likely not take full advantage of the 25% maximum. It was also noted that the building at 701 Boston Post Road is on the same subject property and is owned by the Town of Darien. If the Town ever wanted to add on to that building, that would also count towards the 25% Building Coverage maximum. While the Commission believes that the Regulations allowing for a potential increase to 25% is appropriate, whether to approve such an increase for the redevelopment of Old Town Hall Homes will depend on the specific site plan, which is the subject of a related recently submitted application which will be decided separately.

CONCLUSIONS AND FINDINGS

6. The application was referred to the Western Connecticut Council of Governments (WestCOG). They responded on January 14, 2016, and their comments read as follows: “The opinion of WestCOG staff is that the proposal is of local concern, but with minimal intermunicipal impact. Therefore it is not being forwarded to adjacent municipalities and the regional staff is making no comment.”
7. The subject application consists of zoning regulation and zoning map amendments. As part of this request, the applicant has proposed a specific site plan and special permit application for the Commission’s review and consideration, and that has been processed concurrently with this application, but noticed separately. This associated site plan to assist the Commission in understanding the potential impacts of the zoning map and zoning regulation amendments.
8. The Commission hereby confirms that the proposals to modify the zoning map and to modify the zoning regulations comply with the Town Plan of Conservation & Development. The Commission believes that this is an appropriate use in Darien, and is appropriate for this zoning district.

NOW THEREFORE BE IT RESOLVED that Amendment to Darien Zoning Map (COZM #2-2016), is hereby adopted as follows:

The MU overlay zone shall apply to the property shown on the submitted survey entitled,

- “Plot Plan prepared for Old Town Hall Homes”, prepared by Edward J. Frattaroli, Inc., and dated May 26, 2015.” It lists the property as 2.2+/- acres, and shows this property as Map #16 as Lots #59, #60, and #61.

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NOW THEREFORE BE IT RESOLVED that Amendment to Darien Zoning Regulations (COZR #3-2016), is hereby adopted subject to the foregoing and following modifications and understandings:

NEW WORDING UNDERLINED, DELETIONS IN STRIKEOUT:
Changes to Section 424 of the Zoning Regulations

PROPOSED AMENDMENT TO SECTION 424:

Changing the maximum Building Coverage from 20% to 25% of the lot area.

424. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

Minimum Lot Area	none
Minimum Lot Frontage	50
Minimum Lot Width (at building location)	60
Minimum Lot Depth (at building location)	100
Minimum Front Yard	25
Minimum Side Yard (See note a)	25
Minimum Rear Yard (See note a.)	25
Maximum Height: (See note b)	
-in Stories	2 and one half stories
- Building Height As defined by Section 210	30 feet
-highest point of roof above average grade	35 feet
Maximum Building Coverage	20% <u>25%</u> of the lot area