

**PLANNING AND ZONING COMMISSION**  
**ADOPTED RESOLUTION**  
**September 12, 2017**

Application Numbers: Amendment to the Darien Zoning Regulations (COZR #2-2017)  
Amendment to the Darien Zoning Map (COZM #1-2017)  
FR Darien, LLC – The Commons at Noroton Heights

Street Addresses: 165 and 169-171 Noroton Avenue  
Assessor's Map #74 Lots #1 and 4

Names and Address of: FR Darien, LLC  
Applicant(s) and c/o Federal Realty Investment Trust  
Property Owner(s): 1626 East Jefferson Street  
Rockville, MD 20852

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

Activities Being Applied For: Proposal to amend the Darien Zoning Regulations (Section 226) relating to parking design standards to allow a reduction in parking stall dimensions, consistent with Section 226(a) of the Regulations.

Proposal to amend the Darien Zoning Map to apply the Noroton Heights Redevelopment (NHR) Overlay Zone to 165 and 169-171 Noroton Avenue (Lots #1 and #4 on Map #74). In an associated application (Business Site Plan Application #296, Special Permit Application #296, Land Filling and Regrading Application #409), the applicant proposes to demolish multiple buildings on the site and to construct two new mixed-use buildings, a third new retail building, and a fourth stand-alone restaurant; reconfigure the parking and internal traffic and pedestrian circulation; create a new internal public park and public plaza areas; and perform related site development activities. Three existing buildings/uses on the site are to remain.

Property Locations: The properties owned by FR Darien, LLC are located on the north side of Heights Road, east of its intersection with Edgerton Street, and are shown on Assessor's Map #74 as Lots #1, #4, #8, & #13 through #18. Lots #1 and #4 are on the west side of Noroton Avenue, 140+/- feet north of its intersection with Heights Road, and are now in the Service Business (SB) Zone.

Dates of Public Hearing: June 6, 2017 continued to June 13, 2017, June 27, 2017 & July 25, 2017  
Deliberations held on: August 10, 2017, September 5, 2017, and September 12, 2017

Time and Place: 8:00 P.M. Auditorium & Room 206 (7/25 hearing only) Town Hall

Publication of Hearing Notices  
Dates: May 25 & June 1, 2017 Newspaper: Darien Times

Date of Action: September 12, 2017

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PUT FORTH BY FR DARIEN, LLC – THE COMMONS AT NOROTON HEIGHTS  
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Actions:

**ZONING REGULATION AMENDMENT:**                    **ADOPTED WITH MODIFICATIONS  
WITH AN EFFECTIVE DATE OF  
SUNDAY, OCTOBER 8, 2017 AT 12:01  
P.M.**

**ZONING MAP AMENDMENT:**                    **ADOPTED WITH AN EFFECTIVE DATE  
OF SUNDAY, OCTOBER 8, 2017 AT 12:01  
P.M.**

In a related, but separate decision

Business Site Plan Application #296,                    APPROVED WITH CONDITIONS  
Special Permit Application #296,                    WITH AN EFFECTIVE DATE OF  
Land Filling and Regrading Application #409                    SUNDAY, OCTOBER 8, 2017 AT 12:05 P.M.

Scheduled Date of Publication of Actions:                    Newspaper: Darien Times  
September 21, 2017

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

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

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

1. The submitted subject application consists of:
  - a. Proposal to amend the Darien Zoning Regulations (Section 226) relating to parking design standards to allow a reduction in parking stall dimensions, consistent with Section 226(a) of the Regulations.
  - b. Proposal to amend the Darien Zoning Map to apply the Noroton Heights Redevelopment (NHR) Overlay Zone to 165 (Map #74, Lot #1) and 169-171 (Map #74, Lot #4) Noroton Avenue.
  - c. The applicant proposes to demolish multiple buildings on the site and to construct two new mixed-use buildings, a third new retail building, and a fourth stand-alone restaurant; reconfigure the parking and internal traffic and pedestrian circulation; create a new internal public park and public plaza areas; and to perform related site development activities. Four existing buildings/uses on the site are to remain.

This decision only addresses the proposed Zoning Regulation and Zoning Map amendments. The site plan/special permit application is the subject of a separate, yet related, decision.

2. Public hearings were held on this application in June and July 2017, where the applicant and their representatives explained the proposed amendments to the Commission.

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**ZONING REGULATION AMENDMENT**

3. The proposal is to change the design standards in Section 226, which outlines the standards for parallel, angled, and perpendicular parking in all zoning districts except for the Corbin Subarea. It is noted that the proposal is not to change the aisle (or drive) width for perpendicular parking—which is currently, and will remain 24 feet. Page 135 of the 2016 Town Plan of Conservation & Development (the “Town Plan”) notes that most communities in the area have a 9’ x 18’ standard for perpendicular parking spaces. This amendment would be consistent with that standard.
4. During the public hearing process, the applicant’s experts provided testimony that Section 226(a) of the Darien Zoning Regulations now allow 9’ x 18’ perpendicular parking spaces within the Corbin Subarea of Darien. This is the result of a zoning regulation amendment adopted by the Planning & Zoning Commission in March 2017. In conjunction with the information in the Town Plan, the Commission believes that allowing smaller parking spaces throughout the remainder of the Town for parallel, perpendicular, and angled parking is appropriate for both at-grade and underground parking, and would not be out of character with the Town. Therefore, the Commission directs that the existing Section 226 of the Regulations, entitled Design Standards for Parking be eliminated and that Section 226(a) Design Standards for Parking—Corbin Subarea be renumbered to become Section 226, and that it be renamed to be “Design Standards for Parking”. New Section 226 will therefore continue the reduction of minimum parking dimensions previously approved for the Corbin Subarea, and allow them to apply to the remainder of the Town.
5. The Commission notes that the ultimate arbiter of the size and location of any public on-street parking will continue to be the Town of Darien and/or the State of Connecticut DOT.
6. The Commission is hereby allowing for the reduction of parallel parking spaces. As well, the Commission recommends that where possible, such parallel spaces be slightly larger. This will give users more room to maneuver, and allow them to get in and out of the parking spaces easier. Similarly, parking spaces with frequent turnover due to time limitations or proximity to entrance doors and/or which are outside and thus subject to snow pile accumulation that could reduce the useable length of the parking stall, should be designed to exceed the minimum dimension standards wherever possible.
7. At the public hearings on this matter, no members of the general public spoke specifically with regard to the proposed zoning regulation amendment.
8. The Commission hereby confirms that the proposal described herein, to modify the zoning regulations, is consistent with the 2016 Town Plan of Conservation & Development.

**ZONING MAP AMENDMENT**

9. FR Darien, LLC, the applicant, is the owner of parcels located at 165 (Map 74, Lot #1) and 169-171 (Map 74, Lot #4) Noroton Avenue, currently located in the Service Business (SB) Zone. Pursuant to Section 1112.1 of the Darien Zoning Regulations, the applicant proposes to amend

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the Darien Zoning Map to extend the Noroton Heights Redevelopment (NHR) Overlay Zone to include its parcels located at 165 Noroton Avenue (Chase Bank) and 169-171 Noroton Avenue (Prism Painting). Four other adjacent and nearby parcels now owned by FR Darien, LLC are already within the Noroton Heights Redevelopment Overlay Zone. Those are shown on the submitted “General Location Survey” submitted by the applicant. This map shows that the total area of the zone change, including the street rights-of-way is 0.9808+/- acres. The parcels proposed to be included within the Noroton Heights Redevelopment Overlay Zone are shown on the General Location Survey Depicting Zoning Map Amendment, prepared by Redniss & Mead, dated April 5, 2017, Sheet No. ZC, and attached to the end of this resolution.

10. At the public hearings on this matter, no members of the general public spoke specifically with regard to the proposed zoning map amendment.
11. The Commission finds that the inclusion of these two parcels and portions of the rights-of-way of Noroton Avenue and Heights Road into the NHR Overlay Zone will serve to further the objectives of the zone by allowing for a more comprehensive redevelopment plan through the assemblage of parcels. The lots will remain in the Service Business (SB) Zone, but now will also be within the NHR Overlay zone. The Commission finds that the inclusion of these two parcels will accommodate the development of a gateway park from Noroton Avenue, enhanced landscaping, and the potential for a street line adjustment at the intersection of Noroton Avenue and Heights Road.
12. The Commission hereby confirms that the proposal described herein, to modify the zoning map, is consistent with the 2016 Town Plan of Conservation & Development.

NOW THEREFORE BE IT RESOLVED that the Amendment to the Darien Zoning Regulations (COZR #2-2017) and the Amendment to the Darien Zoning Map (COZM #1-2017), are hereby adopted subject to the foregoing and following modifications and understandings:

NEW WORDING UNDERLINED, DELETIONS IN STRIKEOUT:

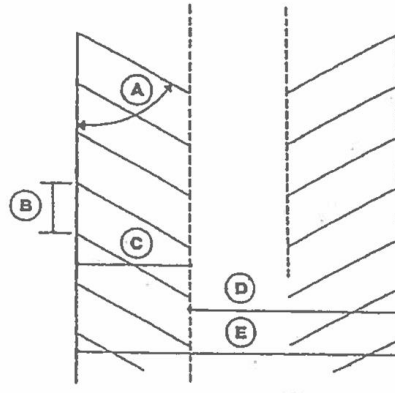
(Table of Contents and Appendix C of the Zoning Regulations to be amended accordingly.)

- A. The existing “Design Standards for Parking” chart in Section 226 shall be eliminated.
- B. Section 226(a) “Design Standards for Parking—Corbin Subarea” shall be renumbered to become Section 226 of the Regulations, and shall be renamed to be “Design Standards for Parking”. It shall be moved below the ‘Minimum Dimensions’ graphic and above the NOTES section. Both the new Section title, and the words “Minimum Dimensions” will be underlined (as is currently done in Section 226). There is no change to the NOTES section.

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226. DESIGN STANDARDS FOR PARKING

Minimum Dimensions



226(a). The following minimum design standards table shall apply only in the Corbin Subarea:

A.	Parking Angle	0°	45°	60°	90°
B.	Curb length per car	23'	12'9"	10'5"	9'
C.	Stall Depth	9'	19'10"	21'0"	20'0"
D.	Lot width for 1 row + driveway	21'	33'0"	39'0"	44'0"
E.	Lot width for 2 rows + driveway	30'	53'0"	60'0"	64'0"

226. The following minimum design standards table shall apply only in the Corbin Subarea:

A.	Parking Angle	0°	45°	60°	90°
B.	Curb length per car	21'	12'9"	10'5"	9'
C.	Stall Depth	8'	17'8"	19'0"	18'0"
D.	Lot width for 1 row + driveway	19'	30'4"	33'6"	42'0"
E.	Lot width for 2 rows + driveway	26'	48'0"	52'6"	60'0"

C. The Darien Zoning Map shall be amended as shown on the applicant's survey entitled: "General Location Survey Depicting Zoning Map Amendment #165 & #169-171 Noroton Avenue Darien, Connecticut prepared for Federal Realty Investment Trust", by Redniss & Mead, dated April, 5, 2017, Sheet No. ZC, attached to this resolution.