

TOWN OF DARIEN PLANNING AND ZONING COMMISSION APPLICATION FORM

Application is hereby submitted for approval in accordance with the following Sections of the Darien Zoning Regulations (check all that apply).

- | | |
|--|---|
| <input type="checkbox"/> Section 810 Coastal Site Plan Review | <input type="checkbox"/> Section 1000 Special Permit Requirements |
| <input type="checkbox"/> Section 820 Flood Damage Prevention | <input type="checkbox"/> Section 1020 Site Plan Requirements |
| <input type="checkbox"/> Section 850 Land Filling, Excavation
and Earth Removal | <input type="checkbox"/> Section 1051 Protected Town Landmarks |
| <input type="checkbox"/> Section 1110 Change of Zoning Regulations and/or Zoning Map | <input type="checkbox"/> Subdivision Application |
| <input type="checkbox"/> Other (specify) _____ | |

Property Location:

Street Address: _____

Assessor's Map(s) # _____ as Lot(s) # _____

Subject property is situated on the _____ side of _____ (street)
approximately _____ feet _____ from the corner formed by the intersection of
_____ and _____ (streets).

Zoning District(s): _____ Size of Site: _____ square feet, _____ acres

The subject property is is not as a result of this project will become
tied into the Town sanitary sewer system.

The subject property is is not as a result of this project will become
tied into the public water system (Aquarion Water Co.).

The subject property is is not within 500 feet of an adjoining municipality.

Applicant:

Name: _____

Address: _____

Phone #: _____

E-mail address: _____

Signature: _____

Property Owner:

Name: _____

Address: _____

Phone #: _____

E-mail address: _____

Signature: _____

DARIEN PLANNING AND ZONING COMMISSION
ZONING APPLICATION FORM
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Representative or Contact Person (to whom all correspondence shall be addressed)

Name: _____

Company/Firm: _____ Phone #: _____

Address: _____

Email address: _____

Signature: R. F. Marlowe

Summary of proposed activity and development:

(A more detailed explanation should be attached to this application).

Application Fee of _____

See Appendix B - Schedule of Fees of Darien Zoning Regulations.
Make checks payable to the "Town of Darien". Cash is not accepted.

See requirements under Section 1040 for the applicant's responsibility regarding notification of nearby property owners.

Unless specifically waived in advance and in writing by the Planning & Zoning Director, all required materials must be submitted as part of this application:

For Business Site Plan applications under Section 1020:

See Section 1020 of the Darien Zoning Regulations

For Subdivision Applications see the Darien Subdivision Regulations

DARIEN PLANNING AND ZONING COMMISSION
 ZONING APPLICATION FORM
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The following information is required:

*Development Plan(s) completed in accordance with "Site Plan Checklist" –
 Twelve (12) Sets of Plans including:*

	<u>Submitted</u>	<u>Waived</u>
Existing Conditions based on "A-2" Survey	<input type="checkbox"/>	<input type="checkbox"/>
Site Development Plan	<input type="checkbox"/>	<input type="checkbox"/>
Grading and Storm Drainage Management Plan	<input type="checkbox"/>	<input type="checkbox"/>
Computations and Analysis of Stormwater Runoff	<input type="checkbox"/>	<input type="checkbox"/>
Landscaping Plan	<input type="checkbox"/>	<input type="checkbox"/>
Architectural Floor Plans and Elevations	<input type="checkbox"/>	<input type="checkbox"/>
Utility Plans	<input type="checkbox"/>	<input type="checkbox"/>
Chart or Table of Zoning Data	<input type="checkbox"/>	<input type="checkbox"/>
Soil Erosion and Sedimentation Control Plan	<input type="checkbox"/>	<input type="checkbox"/>
Staging or Phasing Plan	<input type="checkbox"/>	<input type="checkbox"/>
<hr/>		
<i>For Coastal Site Plan Reviews under Section 810 of the Zoning Regulations:</i>		
Base Map showing regulated area(s)	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Assessment Report	<input type="checkbox"/>	<input type="checkbox"/>
Review of CAM policies & goals	<input type="checkbox"/>	<input type="checkbox"/>
<hr/>		
<i>For Flood Damage Prevention Applications under Section 820 of the Zoning Regulations:</i>		
Base Map of Flood Zones and Elevations	<input type="checkbox"/>	<input type="checkbox"/>
Architectural Floor Plans including elevation of each floor level within the structure	<input type="checkbox"/>	<input type="checkbox"/>
Engineering Report and certification regarding impact on flood conditions	<input type="checkbox"/>	<input type="checkbox"/>
Engineering Report and certification regarding structural stability	<input type="checkbox"/>	<input type="checkbox"/>
<hr/>		
<i>For Land Filling & Regrading Applications under Section 850 of the Zoning Regulations:</i>		
Detailed Plans of Existing and Proposed Conditions	<input type="checkbox"/>	<input type="checkbox"/>
Report Detailing Operation methods, and Evaluating Impacts	<input type="checkbox"/>	<input type="checkbox"/>
<hr/>		
<i>For Special Permit Applications under Section 1000 of the Zoning Regulations:</i>		
Detailed Statement of Existing & Proposed Uses	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Report addressing Trip Generation, Traffic Movement and Parking Requirements	<input type="checkbox"/>	<input type="checkbox"/>

**PETITION OF
BAYWATER CORBIN PARTNERS, LLC**

TO

**AMEND THE DARIEN
ZONING REGULATIONS
AND ZONING MAP**

OCTOBER 27, 2017

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**PETITION OF
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AND ZONING MAP**

OCTOBER 27, 2017

NARRATIVE

I. INTRODUCTION

The Applicant, Baywater Corbin Partners, LLC (“Baywater”), and its principals, David Genovese and Penny Glassmeyer, have been involved in development in Darien for over 25 years. They successfully developed several commercial properties in downtown Darien, including Grove Street Plaza, 1020 Boston Post Road, 745 Boston Post Road, 17 Old Kings Highway South, 1292 Boston Post Road and 1340 Boston Post Road. The high quality and success of these projects is well known in the Darien community and in the region.

In April 2017, the Planning and Zoning Commission approved Baywater’s application to amend the Darien Zoning Map and Zoning Regulations to create a new Corbin Subarea within the Central Business District, and adopted a new Section 690 to regulate development in the new Subarea. Since then, Baywater has continued to develop development plans within the parameters set by the new regulations. In the process, Baywater has developed a plan that would encourage the redevelopment of properties that front on Corbin Drive, across the street from the new Corbin Subarea, so that both sides of Corbin Drive could be redeveloped under a single plan, instead of developing only the southern side of the street. To include the northerly side of Corbin Drive in the overall Corbin project, Baywater is requesting an amendment to the Zoning Map and Zoning Regulations.

The proposed 1.7067± acre addition to the Corbin Subarea includes the properties at the corner of Corbin Drive and Boston Post Road, 15 Corbin Drive, and the property at the corner of Corbin Drive and Old King’s Highway South. Currently, these properties are used as a gas station, and two single-story commercial buildings. Baywater intends to acquire these properties or work with their owners to redevelop them with three-story mixed use buildings to complement new, three-story buildings across Corbin Drive.

A map of the proposed Corbin Subarea, which includes a course and distance boundary description of the proposed additional area, is included in this

Application at A-9. Marked and unmarked versions of the proposed text amendments are included at A- 10 and A-15.

A map of properties within 100 feet of the proposed additional Corbin Sub-area, with separate lists of owners of properties within and within 100 feet of the proposed additional Corbin Subarea (A-20 through A-23).

II. CONSISTENCY OF THE PROPOSED ZONING MAP AND TEXT AMENDMENTS WITH THE DARIEN TOWN PLAN OF CONSERVATION AND DEVELOPMENT

The proposed amendments to the Zoning Map and the Zoning Regulations, and Baywater's project, are consistent with the 2016 Town Plan of Conservation and Development (the "Plan"). Relevant sections of the Town Plan were included in the appendix to the prior application, and are incorporated by reference in this application by reference. The following are some of the more relevant excerpts from the Town Plan.

The Town Plan begins with the Board of Selectmen's Vision Statement, which contains the following statement:

The Town Plan serves as a flexible blueprint for the continuing development of our community. It identifies enhancements and additions to our infrastructure and provides the basis for maintenance of our existing resources.

- *Darien continues to be primarily a New England style, single-family dwelling community.*
- *The Town Plan must balance growth and development with preservation and protection of the existing ecosystem on which our future depends, i.e. open space, the Long Island Sound, coastal habitat, our streams, ponds and wetlands.*
- *Downtown and traditional neighborhood commercial centers or corridors, through scale, character and density should create a strong sense of place for living, shopping and dining and add to the vitality of our community.*
- *Multi-modal transportation and pedestrian-friendly streetscape should be complimentary to the character of our town.*
- *Total citizen involvement, including our elected, appointed and volunteer groups, are critical to effective planning and successful implementation.*

The town must adopt and implement high quality public policies promoting long-term growth, development and infrastructure improvements. Thoughtful, dynamic leadership continues to be necessary to ensure our community implements the blueprint provided by this Town Plan.

Darien Board of Selectmen

(Plan at 9 [Vision Statement]) The proposed map and text amendments are consistent with this Vision Statement.

Chapter 11 of the Plan, which is entitled, “Guide Business and Economic Development,” discusses business and economic development in Darien, and cites “three key benefits to the community:

- *jobs for residents of the community and the region,*
- *goods and services for residents of the community and the region, and*
- *net tax revenue which helps support community services.”*

The same Chapter states the Town’s goal, where appropriate, to:

- *promote economic diversity,*
- *expand and diversify the non-residential tax base, and*
- *expand the employment base.*

(Plan at 107). To this end, the Plan identifies the following goals in promoting business and economic development:

1. *Continue to encourage business and economic development to provide jobs, provide goods and services, and enhance the tax base.*
2. *Continue to work with the Chamber of Commerce and other organization to promote economic growth of Darien.*
3. *Continue to encourage vibrant commercial areas.*
4. *Carefully review any proposal to rezone existing commercial properties for other uses.*

(Plan at 108) Notably, the Plan identifies downtown Darien as an opportunity “for redevelopment of existing sites to better meet market conditions and opportunities,” and states the following:

Darien has an excellent regional location, a number of areas zoned for business development, and benefits from having some key locational advantages within the town:

- *two train stations (Darien and Noroton Heights),*
- *Interstate 95 with 4 full or partial interchanges,*
- *Boston Post Road (US Route 1), and*
- *bus transit services.*

The location of the new Corbin Subarea and the proposed addition to the Subarea, and the accompanying text amendments fit all of these locational advantages. Like the original Corbin Subarea, the proposed additional area is within

one quarter mile of the Darien train station, and is on Boston Post Road, which is along a Connecticut Transit bus route. (Plan at 108-110)

Chapter 8 of the Plan, which is entitled “Maintain and Enhance Downtown,” discusses the past, present and future of the downtown area, and includes sections entitled “Encourage Appropriate Development,” “Maintain Character,” “Enhance The Downtown Street System,” “Enhance Pedestrian-Friendliness,” “Manage Downtown Parking,” “Modify Downtown Zoning Regulations,” and “Address Other Downtown Issues.” The following is a list of the more pertinent policies and goals stated in Chapter 8:

Policies:

Continue to encourage the “resilient adaptation” of downtown as a vibrant and dynamic place with a “sense of place.”

Seek to be pro-active in terms of establishing and implementing an overall vision for downtown with particular sensitivity to scale and density.

Guide to future downtown development in ways consistent with Darien’s New England character.

Maintain and enhance the design review process for downtown.

Ensure that traffic issues and improvements are addressed.

Create shorter “Street” blocks (could be proud public or private):

- *Make . . . Street connections to shorten blocks.*

Focus on the quality of the streetscape (the “public realm”) in downtown, not just development on private lands.

Continue to focus on enhancing the pedestrian experience:

- *Appropriate sidewalk widths*
- *Buildings brought close to or at the street*
- *A continuous Street façade*
- *Active first floor uses / outdoor dining, etc.*

Continue to promote a parking philosophy where people park once downtown and visit many destinations as a pedestrian.

Consider public/private partnerships to expand the parking supply in appropriate locations

Regularly review and update zoning regulations to allow for and encourage/require appropriate development in the downtown area.

Continue to encourage the creation of meaningful public places in the downtown area.

Make appropriate accommodations in downtown for cyclists and provide amenities (bike racks/storage, etc.).

Enhance utility infrastructure in the downtown area:

- *Undergrounding of wired utilities.*
- *Extend natural gas to support area development.*
- *Upgrade/maintain water service (pressure).*
- *Transition to LED lighting for area lighting.*

Consider common arrangements among property owners, businesses, and residents if, as and when desired.

To implement these policies, the Plan recommends the following action steps:

Supplement the design guidelines with additional material relevant to downtown:

- *encourage/require “public art”*
- *design guidelines for parking structures*
- *location and design of service areas (mechanical equipment, transformers, meters, delivery, refuse, recycling)*
- *indenting of doorways to avoid pedestrian conflicts*

Continue to budget for and provide for pedestrian amenities (trees, benches, lighting, flowers, hanging baskets, fountains, etc.).

Work with CT-DOT on improving crosswalks on Boston Post Road and connecting streets.

Revisit parking requirements and establish standards appropriate for a mixed-use downtown area.

Consider allowing multi-story parking structures (perhaps one-story below grade and two-stories or so above grade) in appropriate places (with an active street-level use in front).

Consider building height limitations and consider alternative approaches appropriate for the downtown, including allowing more building height in the downtown area when:

- *Impacts on the character of the area are considered*
- *Building walls are set back further from the curb*
- *The overall floor-area ratio remains appropriate*
- *A landmark feature is established in an appropriate location*
- *An open space plaza or a mall is provided*

Consider regulating development in downtown with a maximum floor-area ratio to complement a more flexible height standard.

Review the Zoning Regulations related to residential development in the downtown area.

Consider reinforcing downtown's "edges", including establishing gateway elements, if appropriate.

(Plan at 69-82 [Chap. 8])

The Plan also contrasts development in the Central Business District with development in the Noroton Heights business district, and sets a goal "for downtown to be a more 'prominent' place in the overall structure of the community than the Noroton Heights business district." (Plan at 78)

The proposed addition to the Corbin Subarea and the accompanying text amendments are consistent with all of these goals.

Chapter 8 also contains an illustration of floor area ratios that shows how increasing the number of stories on a given site can be used to create more open surface areas, which can be used as public plazas, pedestrian ways and new streets. (Plan at 80)

The Plan also discusses residential development, with a view toward creating higher densities in downtown Darien:

Darien's zoning approach will continue to recognize the prevailing development pattern of:

- *a range of housing types to meet a broad array of housing needs;*
- *higher densities in and near downtown Darien and around the train station in the Norton Heights business district,*
- *moderate densities in areas with bus service.*

To this end, the Plan identifies the following policies:

2. *Maintain the basic organizational pattern of higher densities in and near downtown Darien and the Norton Heights business district and a reduction in densities as distance from the centers increase.*
3. *Within this overall framework, seek to provide for a range of housing types and densities to meet a broad array of housing needs.*

(Plan at 98) These policies signal a need for increased residential development in and near downtown Darien. As shown in the Residential Densities Map, at page 99 of the Plan, shows the proposed Corbin Subarea and the Central Business District as a "Non-Residential Zone."

In addition, the Plan discusses "Housing Needs Of An Aging Population," "Housing That Is More Affordable," and "Other Housing Needs." The Plan identifies the following policies

1. *Continue efforts to diversify Darien's housing portfolio.*

2. *Continue to consider ways to address the housing needs of an aging population.*
3. *Continue to consider ways to provide for housing that is more affordable.*
4. *Seek to locate higher density housing near the train stations (Darien, Norton Heights) or on or near a bus transit line.*
6. *Continue to participate in efforts to create supportive housing for developmentally disabled people.*

To this end, the Plan recommends the following Action Steps:

7. *Review zoning provisions and locations for multi-family housing to ensure they are appropriate for the future.*
8. *Evaluate and consider eliminating size restrictions for multi-family units and rely instead on building size and bulk standards.*
9. *When and where appropriate, seek to place deed restrictions on housing units that are accessory to Special Permit uses in order to count such units as “affordable housing” quote for as long as they exist. More income limited elderly housing units to meet present and future community needs.*

(Plan at 106)

In addition to the Goals and Action Steps related to business, economic and residential development, the Plan addresses parking needs in Chapter 13 (Plan at 125 to 139, Chap. 13 “Address Transportation Needs”), and infrastructure and utilities in Chapter 14 (Plan at 145 to 150 Chap. 14, “Manage Utility Infrastructure”) The Plan recommends that the Town consider parking structures and reducing the dimensions of parking spaces. The proposed addition to the Corbin Subarea and accompanying text amendments will provide a framework for a substantial redevelopment of a larger portion of the Central Business District, and at the same time implement recommendations for parking, utilities, and infrastructure enhancements.

The proposed Corbin Subarea and accompanying text amendments are consistent with the Plan’s goals and action steps. The combined Corbin Subarea is located on a public bus route, and is within walking distance (1/4 mile) of the Darien train station. The existing Corbin Subarea regulations require a traffic and parking management plan, internal traffic circulation and sufficient on-site parking, the regulations to improve traffic circulation, reduce the existing potential for parking shortages in and around the Corbin Subarea, and eliminate backing from the existing parking spaces along the Boston Post Road into oncoming traffic. These regulations will apply to the proposed additional area. The redevelopment of the additional area will present opportunities to remove a gas station from the Central Business District, and update a larger downtown area.

Additional commentary is inserted after the proposed text amendments regulations.

III. CONCLUSION

As discussed above, the present Application is entirely consistent with the 2016 Darien Town Plan of Conservation and Development. The proposed additional area and accompanying text amendments will provide a well designed framework for redevelopment of a slightly larger portion of the Central Business District, and like the original Corbin Subarea, will create a vibrant, long-term asset for Darien, enhance Darien's Grand List and real property tax revenue, and become a showpiece for Darien for years to come. The Applicant, strongly urges the Planning and Zoning Commission to approve this Application.

**Proposed Text Amendments
Marked
With Commentary
Deletions are crossed out.
Additions are underlined.
All revisions are in color.**

SECTION 690. CORBIN SUBAREA WITHIN THE CBD ZONE aka CENTRAL BUSINESS DISTRICT – CORBIN SUBAREA (CBD-CS)

692. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Commercial sales and services, except that Financial Service uses shall be located on upper floors.
- b. Business and professional offices, provided such uses are located on upper floors.
- c. Public and semi-public uses.
- d. Railroad stations and mass-transit facilities.
- e. Dwelling units located on upper floors.

693. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs, as permitted in Section 920.
- b. Any building or use customarily incidental to a permitted use.
- c. Off-street parking and loading facilities in accordance with Section 900.

694. Principal Uses Requiring Special Permits

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

- a. Protected Town Landmarks.
- b. Restaurants.
- c. The sale of prepared food such as candy or ice cream for consumption on or off the premises.
- d. Financial Service and/or business and professional offices on the first floor, provided that the Commission makes a finding that ~~the retail/commercial sales and service use (other than Financial Service uses) of such space is impractical, undesirable, and/or inconsistent~~ such uses are consistent with the standards under Subsection 1005h.
- e. Clubs and lodges.
- f. Personal Service Businesses.
- g. Larger Developments within the Corbin Subarea. The term “Larger Developments within the Corbin Subarea” shall mean developments located entirely within the Corbin Subarea that are on development sites that are a minimum of 3 acres in area.

Comment: The proposed revision to subsection 654(d) will allow business and professional offices, including financial services, on first floors in larger developments by special permit.

The special permit process will enable the Planning and Zoning Commission to determine whether such uses are consistent with the special permit standards, including the impacts on traffic and parking that could result from such features as drive-up teller and ATM windows. Larger developments in the Corbin Subarea are more suitable for a mix of retail, professional and financial services on the first floor than elsewhere in the CBD, where tenants typically are placed in properties on a case-by-case basis. The complete list of permitted uses in the Corbin Subarea is included for ease of reference. Food Service, Convenience, as an accessory use, will continue to be allowed by special permit under Section 695.

698. Area and Bulk Regulations for Larger Developments within the Corbin Subarea

Larger Developments within the Corbin Subarea shall comply with the following area and bulk requirements:

1. Minimum Site Area	3 acres (See Note a)
2. Minimum Lot Width	None (See Note a)
3. Minimum Lot Frontage	750 ft. (See Note b)
4. Minimum Lot Depth	None (See Note a)
5. Minimum Front Yard	None (See Note c)
6. Minimum Side Yard	None (See Note c)
7. Minimum Rear Yard	See Note c
8. Maximum Height in Stories	See Section 658 698.1
9. Maximum Height in Feet	See Section 658 698.1
10. Maximum Building Coverage	None
11. Minimum Front Landscape Depth.	None
12. Maximum Developed Site Area	None
13. Maximum Floor Area of Dwelling Units	3,000 sq. ft.

Notes:

- a. Site area and frontage determine the width and depth of lots. A project site may consist of separately owned parcels, so long as they are contiguous and are included in the same business site plan review/special permit application. When included in the same business site plan review/special permit application, parcels that have street frontage on opposite sides of Corbin Drive shall be considered to be contiguous with parcels that front on the opposite side of Corbin Drive.

- b. Lot frontage shall be the total street frontage along Boston Post Road and Corbin Drive.
- c. None, except as follows:
 - (1) Except in areas adjacent to the boundary along Connecticut Turnpike/Interstate 95, if a side or rear yard shall be provided, it shall be at least four feet, except where an access or service road shall be provided through a side or rear yard, in which case the yard shall be at least 20 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 10 feet provided the full 20 foot wide access shall be assured;
 - (2) Where the applicable building code requires greater than four feet of separation between buildings on separate parcels, the minimum side or rear yard shall be increased as necessary to meet the applicable building code.
 - (3) The minimum yard adjacent to the lot line separating the site from the Connecticut Turnpike/Interstate 95 right-of-way shall be 20 feet, except as provided in Note (c)(1).
 - (4) Additional setback and stepback requirements for upper floors are set forth in Section 698.1.
 - (5) Building appurtenances, such as eaves, awnings and marquees, located at least 8 feet above a sidewalk or 16 feet above the surface of a parking area or road shall not be subject to minimum yard requirements.

698.1. Buildings Heights and Setbacks in Larger Developments in the Corbin Subarea

- 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 See Note 1	10 feet in part and 65 feet in part See Notes 1 & 2	20 feet

Notes:

- (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 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.

b.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 201 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.

e.d. The location and specification 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.

Comment: The proposed revisions to Subsection 698.1(a&b) limit building heights north of Corbin Drive to 3 stories and 50 feet, and add a missing quotation mark at the end of Subsection (a). The revisions to Section 698, Items 8 and 9 change incorrect references to Section 658.1. The change to Section 698 Note a clarifies that parcels in different ownership must be included in the same business site plan review/special permit application to ensure that projects of less than 3 acres are not treated as part of a larger development merely because they are contiguous to another project. The other area and bulk regulations are included for ease of reference.

Proposed Text Amendments
Clean

SECTION 690. CORBIN SUBAREA WITHIN THE CBD ZONE aka CENTRAL BUSINESS DISTRICT – CORBIN SUBAREA (CBD-CS)

692. Permitted Principal Uses

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- a. Commercial sales and services, except that Financial Service uses shall be located on upper floors.
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- c. Public and semi-public uses.
- d. Railroad stations and mass-transit facilities.
- e. Dwelling units located on upper floors.

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The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

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- b. Any building or use customarily incidental to a permitted use.
- c. Off-street parking and loading facilities in accordance with Section 900.

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

- a. Protected Town Landmarks.
- b. Restaurants.
- c. The sale of prepared food such as candy or ice cream for consumption on or off the premises.
- d. Financial Service and/or business and professional offices on the first floor, provided that the Commission makes a finding that such uses are consistent with the standards under Subsection 1005h.
- e. Clubs and lodges.
- f. Personal Service Businesses.
- g. Larger Developments within the Corbin Subarea. The term “Larger Developments within the Corbin Subarea” shall mean developments located entirely within the Corbin Subarea that are on development sites that are a minimum of 3 acres in area.

698. Area and Bulk Regulations for Larger Developments within the Corbin Subarea

Larger Developments within the Corbin Subarea shall comply with the following area and bulk requirements:

1. Minimum Site Area	3 acres (See Note a)
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5. Minimum Front Yard	None (See Note c)
6. Minimum Side Yard	None (See Note c)
7. Minimum Rear Yard	See Note c
8. Maximum Height in Stories	See Section 698.1
9. Maximum Height in Feet	See Section 698.1
10. Maximum Building Coverage	None
11. Minimum Front Landscape Depth.	None
12. Maximum Developed Site Area	None
13. Maximum Floor Area of Dwelling Units	3,000 sq. ft.

Notes:

- a. Site area and frontage determine the width and depth of lots. A project site may consist of separately owned parcels, so long as they are contiguous and are included in the same business site plan review/special permit application. When included in the same business site plan review/special permit application, parcels that have street frontage on opposite sides of Corbin Drive shall be considered to be contiguous with parcels that front on the opposite side of Corbin Drive.
- b. Lot frontage shall be the total street frontage along Boston Post Road and Corbin Drive.
- c. None, except as follows:
 - (1) Except in areas adjacent to the boundary along Connecticut Turnpike/Interstate 95, if a side or rear yard shall be provided, it shall be at least four feet, except where an access or service road shall be provided through a side or rear yard, in which case the yard shall be at least 20 feet in width. Where access shall be provided jointly by two adjoining

properties, the side yard may be reduced by 10 feet provided the full 20 foot wide access shall be assured;

- (2) Where the applicable building code requires greater than four feet of separation between buildings on separate parcels, the minimum side or rear yard shall be increased as necessary to meet the applicable building code.
- (3) The minimum yard adjacent to the lot line separating the site from the Connecticut Turnpike/Interstate 95 right-of-way shall be 20 feet, except as provided in Note (c)(1).
- (4) Additional setback and stepback requirements for upper floors are set forth in Section 698.1.
- (5) Building appurtenances, such as eaves, awnings and marquees, located at least 8 feet above a sidewalk or 16 feet above the surface of a parking area or road shall not be subject to minimum yard requirements.

698.1. Buildings Heights and Setbacks in Larger Developments in the Corbin Subarea

- 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”):

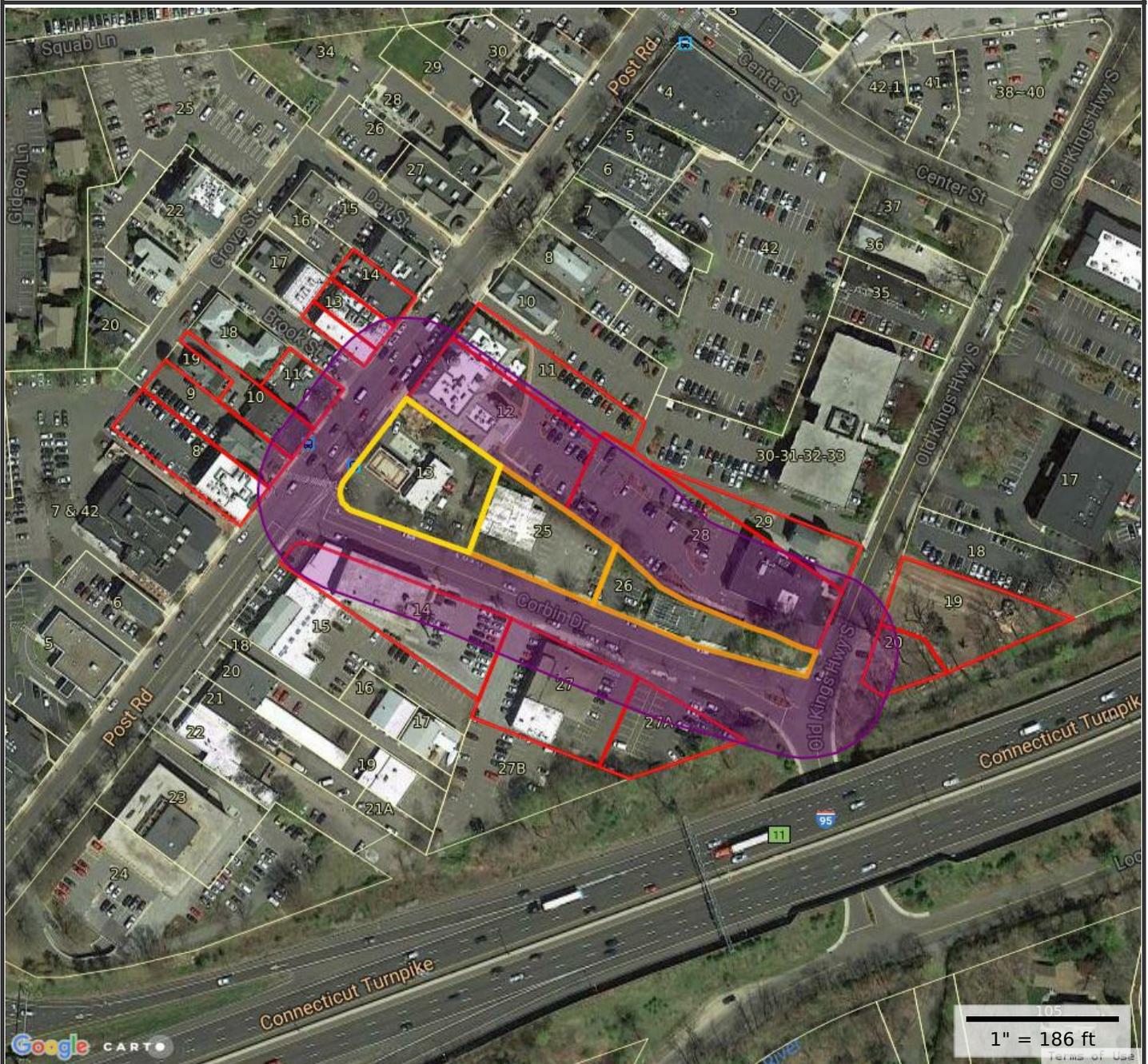
Maximum Building Height in Stories & Feet	Setback from Boston Post Road	Setback from Corbin Drive	Setback from Interstate 95
3 stories/50 feet	None	None	20 feet
4 stories/55 feet	165 feet	None	20 feet
5 stories/70 feet	210 feet in part and 300 feet in part See Note 1	10 feet in part and 65 feet in part See Notes 1 & 2	20 feet

Notes:

- (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 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.
- 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 201 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.
- d. The location and specification 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.

Map of Properties Within 100 Feet of Proposed Addition to Corbin Subarea



Property Information

Property ID 05823
Location 1034 BOSTON POST ROAD
Owner VINKATH REALTY LLC



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

Town of Darien, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 10/1/2017
 Properties updated 10/1/2017

**APPLICATION OF
MASLAN ASSOCIATES P.C.**

FOR

BAYWATER CORBIN PARTNERS, LLC

OCTOBER 27, 2017

**LIST OF OWNERS OF PROPERTIES WITHIN
PROPOSED ADDITIONAL CORBIN SUBAREA**

Map 72 Lot 25	CFW LLC P.O. Box 355 Trumbull, CT 06611
Map 72 Lot 26	Judith P. Tibbetts Estate of Paul D. Tibbetts 37 Corbin Drive Darien, CT 06820
Map 72 Lot 13	Vinkath Realty LLC 1044 Boston Post Road Darien, CT 06820

**APPLICATION OF
MASLAN ASSOCIATES P.C.
FOR
BAYWATER CORBIN PARTNERS, LLC
OCTOBER 27, 2017**

**LIST OF OWNERS OF PROPERTIES WITHIN 100 FEET
OF PROPOSED ADDITIONAL CORBIN SUBAREA**

Map 72 Lot 11 & 12	Baywater Post Road Associates II LLC c/o Baywater Properties 1019 Boston Post Road Darien, CT 06820
Map 72 Lot 27&27A	Baywater 30 Corbin LLC c/o Baywater Properties 1019 Boston Post Road Darien, CT 06820
Map 73 Lot 11	Whitman Foods LLC 1041 Boston Post Road Darien, CT 06820
Map 73 Lot 12	Robert L Mazza 1031 Boston Post Road Darien, CT 06820
Map 38 Lot 19	Baywater 33 OKHS LLC c/o Baywater Properties 1019 Boston Post Road Darien, CT 06820
Map 73 Lot 10	ELD Street Properties LLC c/o Pyramid Real Estate Group 20 Summer Street Stamford, CT 06901
Map 73 Lot 14	1019-1021 Post Road Assoc LLC 1019 Boston Post Road Darien, CT 06820

Map 73 Lot 13	Baywater 1025 BPR LLC 1019 Boston Post Road Darien, CT 06820
Map 72 Lot 29	John W. Shepherd Jr LLC P.O. Box 1152 Darien, CT 06820
Map 72 Lot 14	Baywater 10 Corbin LLC c/o Baywater Properties 1019 Boston Post Road Darien, CT 06820
Map 38 Lot 20	Baywater 33 OKHS LLC c/o Baywater Properties 1019 Boston Post Road Darien, CT 06820
Map 73 Lot 9	William H. Pitt Foundation Inc. 170 Washington Blvd. Stamford, CT 06902
Map 73 Lot 8	Greenwich Manor LLC P.O. Box 234634 Great Neck, NY 11023
Map 72 Lot 28	Baywater 36 OKHS LLC c/o Baywater Properties 1019 Boston Post Road Darien, CT 06820

MASLAN ASSOCIATES P.C.

Attorneys at Law

Robert F. Maslan, Jr.*

30 OLD KING'S HIGHWAY SOUTH
DARIEN, CONNECTICUT 06820
TELEPHONE (203) 656-3800
FACSIMILE (203) 656-1624

Legal Assistants
Suzann C. Maslan

Carolyn M. Colangelo
Of Counsel

*Also Admitted In New York

Writer's e-mail:
maslan@maslanlaw.com

October 27, 2017

Donna Rajczewski, Town Clerk
Town of Darien
2 Renshaw Road
Darien, CT 06820

**Re: Baywater Corbin Partners, LLC
Petition to Amend Darien Zoning Map
and Darien Zoning Regulations**

Dear Madam Clerk:

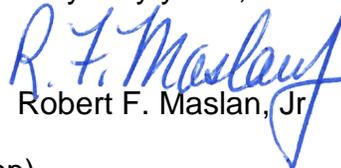
We represent Baywater Corbin Partners, LLC. Please accept for recording the enclosed Application/Petition to Amend the Darien Zoning Map and Darien Zoning Regulations. As you know, proposed zoning regulation amendments must be filed with the Town Clerk.

Please stamp the additional two copies, one for the Planning and Zoning Department, and one for our file.

Please feel free to call us if any additional information is required.

Thank you.

Very truly yours,


Robert F. Maslan, Jr

Enclosures (Application/Petition and Map)

cc: Mr. R. David Genovese
Baywater Corbin Partners, LLC
Jeremy B. Ginsberg, Town Planner

BAYWATER CORBIN PARTNERS, LLC
1019 BOSTON POST ROAD
DARIEN, CT 06820

September 29, 2016

Town of Darien
Planning and Zoning Commission
Zoning Board of Appeals
Environmental Protection Commission
Architectural Review Board
2 Renshaw Road
Darien, CT 06820

**RE: Application to Planning and Zoning Commission
For Amendments to the Darien Zoning Map and
Darien Zoning Regulations**

Dear Ladies and Gentlemen:

We hereby authorize the law firm of Maslan Associates P.C. and its attorneys to file on our behalf any and all applications related to our request to amend the Darien Zoning Map and Darien Zoning Regulations.

Thank you.

Very truly yours,

BAYWATER CORBIN PARTNERS, LLC

By: BAYWATER PROPERTIES, LLC
Its Manager

By: 

David Genovese, Its Manager