

COASIN
TEXT Amendments
Approved
3/12/17

**TOWN OF DARIEN
PLANNING & ZONING COMMISSION**

JEREMY B. GINSBERG, AICP
PLANNING AND ZONING DIRECTOR

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March 13, 2017

Robert F. Maslan, Jr., Esq.
Maslan Associates PC
30 Old King's Highway South
Darien, CT 06820

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: *Proposed Amendments to the Darien Zoning Map (COZM #4-2016) and
Proposed Amendments to Darien Zoning Regulations (COZR #11-2016)
put forth by Baywater Corbin Partners, LLC.*

Dear Bob:

This letter is to confirm that at its meeting on Tuesday, March 7, 2017, the Darien Planning and Zoning Commission adopted your application to amend the Darien Zoning Map to create a new Corbin Subarea within the Central Business District (CBD). It also adopted with modifications your request to amend the Darien Zoning Regulations to provide for Larger Developments in the subarea. The zoning regulation amendments would also allow for: redevelopment in the Corbin Subarea by Special Permit; a maximum building height of five stories and 70 feet if the building meets certain setbacks (modified by the Commission); and modifications to the size of parking spaces relative to those allowed elsewhere in Darien. It also requires that public plaza space be provided, and sets out criteria and required features for such public plazas. The Commission added a new section was added to the Inclusionary Zoning Regulations in Section 580.

The enclosed Adopted Resolution includes the Commission's findings and details the exact amendments which were adopted. The map amendment was adopted by the Commission as you had proposed, as shown on page A-89 of your submitted application booklet.

The Commission's zoning regulation amendments resulted in the establishment of the following:

- A new subsection 226a regarding parking in the Corbin Subarea.
- A new graphic, Section 233 "Height Zones in Corbin Subarea".
- Modifications to subsection 687 (Public Plazas).
- A new section 690 *et. seq.* (Corbin Subarea within the CBD Zone aka Central Business District – Corbin Subarea (CBD-CS)).
- A new subsection 589 (Inclusionary Zoning).

Letter to Robert F. Maslan, Jr., Esq.

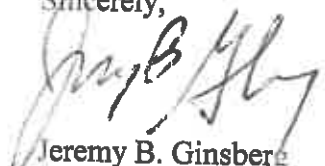
Re: Corbin Subarea

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Together, these changes comprise Amendment #58 of the Zoning Regulations, and will be noted as such in Appendix C of the Regulations. Both the map amendment and the regulation amendments take effect on April 9, 2017. The new pages of the regulations will be sent to you under separate cover later this month.

Sincerely,



Jeremy B. Ginsberg
Planning and Zoning Director

Enclosure

Cc: Jayme Stevenson, First Selectman
Donna Rajczewski, Town Clerk

Anthony Homicki, Assessor
R. David Genovese, Baywater Properties

P:\letters\decision\Maslan Corbin Subarea

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
March 7, 2017

Application Number: Proposed Amendments to the Darien Zoning Map (COZM #4-2016) and Proposed Amendments to Darien Zoning Regulations (COZR #11-2016) put forth by Baywater Corbin Partners, LLC.

Names and Address of: Baywater Corbin Partners, LLC
Applicant(s): 1019 Boston Post Road
Darien, CT 06820

Name and Address of: Robert F. Maslan, Jr., Esq.
Applicant's Representative: Maslan Associates PC
30 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposal to amend the Darien Zoning Map to create a new Corbin Subarea within the Central Business District (CBD) Zone. The proposed zoning regulation amendments would provide for larger, mixed use developments in the subarea. They would also allow for: redevelopment in the Corbin Subarea by Special Permit; a minimum building height of two stories and 25 feet, and a maximum building height of five stories and 71 feet if the building meets certain setbacks; and 9' x 18' parking spaces, rather than the 9' x 20' parking spaces allowed elsewhere in Darien. The amendments would also require that public plaza space be provided for larger developments, and sets out criteria and required features for such public plazas.

Dates of Public Hearing: January 10, 2017 continued to January 31, 2017

Deliberations held on: February 7, 2017, February 21, 2017, February 28, 2017, and March 7, 2017

Time and Place: 8:00 P.M. Auditorium Town Hall

Publication of Hearing Notices

Dates: December 30, 2016 and January 6, 2017 **Newspaper:** Darien News

Date of Action: March 7, 2017

Actions:

ZONING MAP AMENDMENT: ADOPTED WITH AN EFFECTIVE DATE OF
SUNDAY, APRIL 9, 2017 AT 12:01 P.M.

ZONING REGULATION AMENDMENTS: ADOPTED WITH MODIFICATIONS WITH AN
EFFECTIVE DATE OF SUNDAY, APRIL 9, 2017 AT 12:02
P.M.

Scheduled Date of Publication of Action: **Newspaper:** Darien Times
March 17, 2017

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

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- the proposed zoning map and zoning regulation amendments must be consistent with the 2016 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 submitted subject application consists of:
 - A) Proposal to amend the Darien Zoning Map to create a new Corbin Subarea within the Central Business District (CBD) Zone.
 - B) The proposed zoning regulation amendments would provide for larger, mixed use developments in the subarea only if substantial public plaza(s) of green space are provided and sufficient on-site parking spaces are provided to accommodate the needs of residents, workers, customers and clients coming to the site . The zoning regulation amendments would also allow for: redevelopment in the Corbin Subarea by Special Permit; a minimum building height of two stories and 25 feet, and a maximum building height of five stories and 71 feet if the building meets certain setbacks; and 9' x 18' parking spaces, rather than the 9' x 20' parking spaces allowed elsewhere in Darien. It would also require that public plaza space be provided, and sets out criteria and required features for such public plazas. A new subsection of the Regulations was also proposed to remove the incentives under the Inclusionary Zoning Regulations for such developments, and to allow for additional occupancy restrictions for the required inclusionary units to be created.
2. Two public hearings were held on this application in January 2017, where the applicant and his representatives explained the proposed amendments to the Commission. There were numerous letters and comments received from the general public, both as part of the subject application and the prior application which was heard in May, June and July 2016, which was subsequently withdrawn by the applicant in September 2016 (Amendments to the Darien Zoning Map (COZM #3-2016) and Amendments to Darien Zoning Regulations (COZR #7-2016)). The entire record of the prior application has been made part of the record in this matter.
3. It is noted that this application differs from the prior application in a number of ways, but most significantly in the areas of maximum building height and maximum number of stories. The prior application proposed a maximum height of 6 stories and 95 feet. The subject application proposes maximums of 5 stories and 71 feet. The areas which allow 3, 4, and 5 stories have been modified since the last application. The subject application does not contain any areas which would allow for six story buildings. The prior application also proposed to modify how inclusionary units could be counted.

ZONING MAP AMENDMENT

4. The zoning map amendment put forth by the applicant includes the establishment of a Corbin Subarea within the Central Business District (CBD) Zone. The area generally encompasses the block between Corbin Drive, Boston Post Road, and I-95 (The Connecticut Turnpike). That

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subarea was shown on a survey in the applicant's application booklet on page A-89, entitled, "Compilation Plan Depicting Boundaries of Proposed Corbin Subarea Prepared for Baywater Properties", dated March 3, 2016. The subarea is also outlined within in a metes and bounds description, on page A-90. It is shown on the survey as 11.2463+/- acres in size.

5. It was noted at the public hearing that the subarea on the survey is 11.2463+/- acres. Only a portion of the proposed subarea is private property that could be redeveloped. Much of that area is the Connecticut Turnpike/I-95, including its right-of-way, and associated Exit 11 off-ramp. The subarea is shown extending to the centerlines of Boston Post Road and Corbin Drive. It encompasses many tax parcels, which are all in the CBD Zone. It was noted that many, but not all, of the tax parcels within this area are now under the control of the applicant.
6. The Commission notes that this subarea is unique in Darien for many reasons. It is a clearly defined area within the CBD Zone. This block is bordered by The Connecticut Turnpike/I-95, the exit 11 off-ramp and Boston Post Road, and is located in one of the busiest commercial areas in the CBD Zone. The area has access to public transit via a bus route and Darien's Metro North station. As a result of the area's contiguous proximity to The Connecticut Turnpike/I-95 and the fact that it is not adjacent to any residential zones or properties, an increase of the building height in this block will have significantly less of an impact than in other locations in Town. The existing Bank of America building, 1120 Boston Post Road, within the proposed subarea was also demonstrated to be one of the taller buildings now in Darien at an average height of 55 feet, and the area across the street from the existing multi-story Darien Sport Shop at 1127 Boston Post Road, which has an average height of 32 feet. As shown on the applicant's Compilation Plan (page A-89 of their application booklet), The Connecticut Turnpike/I-95 is to the south of the proposed subarea, thus, there are no structures within 100 feet of the southern boundary of the proposed subarea. The size of the area allows the applicant to incorporate the desirable public plazas and on-site parking spaces that are integral to the subarea's formation.
7. The Commission, during its deliberations, discussed the positives and negatives of establishing a new subarea versus establishing a new overlay or floating zone. Based upon the evidence submitted, the Planning & Zoning Commission has determined that the use of the subarea within the CBD Zone is appropriate. Due to this area's unique location, the Planning and Zoning Commission believes that the establishment of the Corbin Subarea is appropriate. If other sites within the CBD are found to be appropriate for redevelopment and can provide for similar proximity to public transit, on-site parking and public amenities and benefits, the creation of the Corbin Subarea could be used as a model for those other potential areas.
8. The Commission finds that the Zoning Map amendment as put forth by the applicant is consistent with the 2016 Town Plan of Conservation & Development.
9. **NOW THEREFORE BE IT RESOLVED that Amendment of the Darien Zoning Map #4-2016 is hereby adopted by the Planning & Zoning Commission as put forth by the applicant.**

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ZONING REGULATION AMENDMENTS

10. The proposed zoning regulation amendments would provide for larger, mixed use developments in the subarea only if substantial public plaza(s) of green space are provided and sufficient on-site parking spaces are provided to accommodate the needs of residents, workers, customers and clients coming to the site. The zoning regulation amendments would also permit the following:
- a) 9' x 18' parking spaces, rather than the minimum 9' x 20' parking spaces now required (note that the proposed amendment would only apply to the Corbin Subarea, not the entire Town);
 - b) redevelopment in the Corbin Subarea by Special Permit;
 - c) minor typographical corrections to certain subsections;
 - d) a minimum building height of two stories and 25 feet;
 - e) a maximum building height of five stories and 71 feet if the building meets certain setbacks;
 - f) public plaza space(s) to be provided. The regulations would set out criteria and required features for such public plazas;
 - g) public or private streets within a "Larger Development"; and
 - h) addressing the issue of inclusionary zoning incentives and restrictions relative to "Larger Developments".

REDUCED SIZE OF PARKING SPACES IN THE SUBAREA

11. The proposal changes the design standards in Section 226, which outlines the standards for parallel, angled, and perpendicular parking. 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 Town Plan of Conservation & Development 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. It is noted however that Darien, does have a substantial number of large personal vehicles that benefit by the current Darien standard of full size (9' x 20') parking spaces.
12. During the 2016 public hearing, process, Planning & Zoning staff wrote a memo with concerns regarding the proposed amendment regarding size of parking spaces. As part of the subject application, at the public hearing, the applicant's experts provided evidence that other nearby communities now allow 9' x 18' perpendicular parking spaces. In conjunction with the information in the Town Plan, the Commission believes that allowing smaller parking spaces for parallel, perpendicular, and angled parking is appropriate in the Corbin subarea, for both at-grade and underground parking, and would not be out of character. Parking spaces that are parallel to the flow a traffic within the travel aisle and/or have 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. Therefore, the Commission directs that a new Section 226a shall be included in the regulations, which will introduce new minimum parking dimensions specifically for the Corbin Subarea. The minimum parking dimensions for parking spaces outside of the Corbin Subarea will remain unchanged. The Commission cannot change such dimensions as part of this application, since that would be

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beyond the scope of the subject request, but indicated a desire to review parking dimension regulations in the future.

12. It is noted that the Corbin Subarea extends to the centerlines of both Boston Post Road and Corbin Drive. It is expected that as part of the redevelopment, the applicant may be providing for the future provision of on-street parking on one or both of those streets. While it is helpful for the applicant to show such design in the site plan/special permit application to be submitted, the ultimate arbiter of the size and location of any on-street parking on Boston Post Road and Corbin Drive within the Corbin Subarea will be the Town of Darien and/or the State of Connecticut DOT.
13. While the Commission is hereby allowing for the reduction of parallel parking spaces within the Corbin subarea, the Commission recommends that where possible, such 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.

ESTABLISHMENT OF A CORBIN SUBAREA AND
REDEVELOPMENT IN THE CORBIN SUBAREA BY SPECIAL PERMIT

14. Certain building setbacks and building height areas are proposed by the applicant. The Commission believes that a separate graphic in the Darien Zoning Regulations would be appropriate to best reflect and present this information. A new Section 233 shall be established, which would illustrate those building setbacks and maximum heights allowed within each portion of the Corbin Subarea. This graphic will be similar to those on page A-79 of the submitted application booklet. The name of the graphic will be "BUILDING HEIGHT RESTRICTIONS—Corbin Subarea within the CBD Zone".
15. The applicant has proposed amendments to Sections 650 and 654g, which will amend those sections to permit redevelopment in this area by Special Permit only if substantial public plaza(s) of green space are provided and sufficient on-site parking spaces are provided to accommodate the needs of residents, workers, customers and clients coming to the site. The Commission agrees with the concept of allowing redevelopment by Special Permit, but as noted below, believes that the section numbers of the applicable regulations should be changed.
16. At the public hearing, the three (3) acre minimum lot size, which would categorize a development as a "Larger Development" was discussed. After some consideration, the Commission believes that the three (3) acre minimum size is appropriate for the subarea.
17. The Commission believes that although this subarea is within the CBD Zone, for consistency, clarity and simplification, it shall be called out specifically as a separate portion of the Zoning Regulations, similar to overlay zones, now in the Darien Zoning Regulations, rather than within

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the CBD Zone (section 650). Thus, the subarea will be incorporated as Section 690 of the Zoning Regulations.

MINOR TYPOGRAPHICAL CORRECTIONS

18. The applicant has proposed minor typographical changes to sections 656 and 657. The Commission adopts those as proposed, with the exception that they will have a different section numbers.

MINIMUM BUILDING HEIGHT FOR LARGER DEVELOPMENTS

19. The applicant has proposed a two-story/25 foot minimum height in the subarea. While the Commission acknowledges there may be some benefit to having minimum building heights, especially in areas which allows for larger buildings, the two story minimum could become a future constraint. For example, if an applicant were to propose a gazebo or other smaller structure. The Commission discussed whether eliminating the minimum building height requirement or exempting gazebos and other such non-enclosed structures would be appropriate. The Commission has decided that the best way to address this would be to eliminate the two story/25 foot minimum height requirement that is proposed in the applicant's Section 658.1a.

MAXIMUM AREA, BULK, BUILDING HEIGHT AND SETBACKS FOR LARGER DEVELOPMENTS

20. On page A-97 of the applicant's application booklet, there is a new Building Heights and Setbacks Table for Larger Developments in the Corbin Subarea proposed. This outlines such items as the minimum required site area, setbacks, building height and building coverage.
21. During the 2016 public hearing process on the prior application, and the subject application, on numerous occasions throughout those public hearings, the Commission voiced its concern with the proposed increase in building height. The current, long-time zoning regulations in the CBD zone have allowed for a maximum building height of 2 stories/28 feet, with incentives to allow increases to 3 stories/35 feet (in Section 656 of the Regulations). Recently, the Commission has modified its zoning regulations to allow a maximum building height of 3 stories/45 feet in the Noroton Heights Redevelopment Zone. The Commission acknowledges that allowing larger buildings in the CBD Zone (downtown Darien) would be appropriate in light of that change to the Noroton Heights Redevelopment Zone regulations. The Commission also recently amended the DB-2 zone regulations to allow Assisted Living Facilities to be a maximum of 3 stories/32 feet. However, the Commission is concerned about the size, location and fit of the applicant's proposed buildings relative to each other and the properties around it. Great sensitivity and care should be taken by any future applicants when preparing site plans to minimize potential impacts of building heights of any redevelopment project.
22. While schematic building sections were submitted to the Commission (pages A-83 through A-88 of the application booklet) to assist the Commission in better understanding the ramifications of the proposed regulation amendments relative to building height, no specific buildings are being reviewed or acted upon herein. The Commission notes that while a maximum height is

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being called out within the proposed regulations, due to the definition and methodology of calculating building heights, unless a building has a flat roof, the roof of a building will extend beyond the maximum height outlined in the regulations. Thus, the top of the roof of the larger buildings are likely to exceed 70 feet above grade. This is shown on page A-87, Section I, of the application booklet.

23. The Commission encourages any future applicant(s) and architect(s) that may design buildings within this subarea to be sensitive to height, with the understanding that in the remainder of downtown Darien, existing height limitations are not being changed, and that a three story maximum limit (which includes incentives) still applies. This will be a significant consideration of the Architectural Review Board (ARB) and ultimately, the Planning & Zoning Commission in any future Special Permit application within the subarea.
24. The Planning & Zoning Commission notes the presence of ledge in the Corbin Subarea, a large portion of which is behind the existing Post Office, and adjacent to the Connecticut Turnpike/I-95. While the Commission is modifying the zoning regulations to generally increase the allowable building height within the subarea, it is with the understanding is that any new construction will occur generally at the existing grade adjacent to the base around the bottom of the ledge outcrop, and that the ledge will be removed as part of the redevelopment proposal. It is not expected that new construction will occur atop the ledge or at a higher grade than that which now surrounds the ledge. Building height will be calculated from the grade around the existing ledge and the height of the ledge will not be included in the calculation of the existing average grade.

BUILDING HEIGHT AND SETBACKS

25. Page A-97 of the application booklet contains a table in Section 658.1 entitled, "Buildings Heights and Setbacks in Larger Developments in the Corbin Subarea". That too is adopted by the Commission with the exception of the two story and 25 foot minimum height requirement, and the section number, which the Commission is changing.
26. The Commission agrees with the table as put forth by the applicant, with two changes:
 - a) reduce the maximum from 56.5 feet to 55 feet for four story buildings;
 - b) reduce the maximum from 71 feet to 70 feet for five story buildings.The Commission believes that these two minor changes still give the applicant ample opportunity to redevelop the property, and allow for the establishment of more standard numbers.
27. Page A-80 of the applicant's booklet shows the height zones proposed within the Corbin Subarea, and that information is reflected in tabular form on page A-97. The Commission believes that the following changes should be made to that graphic, and to the associated table.
 - a) Change 8 foot 4 story area from Corbin Drive to be 10 feet.
 - b) Change 50 foot 4 story area from Corbin Drive to be 65 feet.
 - c) Change 150 foot 3 story area from Boston Post Road to be 165 feet.

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[The 280 foot 5 story area from Corbin Drive is approved.]

These changes better reflect the proposed buildings sketched out by the applicant on page A-80.

28. On page A-97, the applicant proposes a new note c in proposed section 658.1. That note refers to sections 201 and 225, relative to Building Height. The Commission believes that the correct reference should be to sections 210 and 225.

THE INCLUSION OF A NEW SUBSECTION REGARDING PUBLIC PLAZA FEATURES

29. The applicants have put forth a new provision that creates a new subsection 659 regarding public plazas. As noted in their application, this new section creates and defines a water feature requirement for public plazas. As noted in the applicants' application, "The intent is to create public plazas similar in design, but larger in scale than Grove Street Plaza..."
30. In order to assist the Commission in better understanding the application, during the public hearing process the applicant showed a site plan demonstrating generally how the subarea could be redeveloped. That site plan, on page A-80 of the application booklet, showed a substantial public plaza on the Boston Post Road, generally across the street from Webster Bank, 1101 Boston Post Road. That substantially sized public plaza was a critical feature to the Commission in modifying the regulations to establish the subarea and allow for larger building heights. While page A-80 is only a sketch, and not an actual site plan, it shows generally a plaza size of approximately 135' +/- x 72' +/- (9,720 +/- square feet).
31. The applicants have proposed a requirement in a new subsection 687a that reads as follows: "The total area of all on-site public plazas shall be not less than five (5) percent of the total area of the lot being redeveloped." The Commission believes that the five (5) percent number could be too small and result in many small isolated green spaces, rather than the desired plazas that better function as gathering places. To discourage that, the Commission modifies this proposal to require a minimum amount of public plaza be not less than 5% of the total area of the lot(s) being redeveloped or 10,000 square feet, whichever is greater, and requires that at least one of the public plaza areas be no less than 3,500 square feet in size, which can fit a box of at least 35 feet by 35 feet in size. This will ensure that the public gathering space(s) and plaza space(s) function as a focal point for the development, and as a public gathering place, and continue to encourage the Central Business District (CBD) to become a vibrant and dynamic place. This is consistent with wording adopted by the Commission for the Noroton Heights Redevelopment Zone in 2016.
32. The Commission acknowledges that this new subsection on public plazas relates to Larger Developments. Thus, public plazas will now be required to increase building height beyond two or three stories now allowed in the CBD Zone.
33. In order to make the plaza requirements the same, the Commission hereby adopts modifications to the existing Section 687 Public Plazas in the Noroton Heights Redevelopment Zone, and references back to that section, with some changes to the applicants' proposal.

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These amendments would make the public plaza design and features the same as those now required in the Noroton Heights Redevelopment Zone. These include:

- increasing the minimum amount of plaza to be provided from 5% to: 5% or 10,000 square feet, whichever is greater (687a);
- a minor change to note that any water feature or seating shall be maintained by the property owner and/or their representative(s) (687c);
- requiring at least one of the public plazas to be 3,500 square feet in size, which can fit a box of at least 35' x 35' in size (687d);
- to clarify that landscaped islands within a parking lot cannot count towards a public plaza unless they are 30 feet wide (687f);
- to clarify that plazas cannot be in a required buffer unless it provides public access into the site (687f);
- The only difference between the existing Noroton Heights Redevelopment plaza standard and the proposed Corbin Subarea standard other than the requirement for a 10,000 square foot minimum, is to add the provision that events longer than four days in the Corbin subarea plaza shall require a Special Permit.

34. Note that the Noroton Heights Redevelopment Zone requires a 10,000 square foot minimum plaza. That is not part of the applicant's proposal.

35. Proposed section 659(g) reads as follows:

"Public Plaza areas may be used for public events, such as concerts, farmers' markets, art shows, outdoor movies, and similar events, each event not to exceed 4 consecutive days in duration. Such uses shall be allowed as of right, without the need for separate zoning permits. Events longer than 4 consecutive days in duration shall require a special permit." The public plaza is not to be used as an expansion of the commercial use(s) of the site (such as dining tables or outside display/sales area or other activities which might hinder public access).

The use 'as of right' should not only be tied to the duration but also the expected number of expected attendees. (For example, a large concert would only last one night, but would easily overwhelm the area with concertgoers).

36. While the Commission believes that a benefit of the redevelopment will be the establishment of a large public plaza to serve as a public gathering place for events, such space cannot be reserved for specific on-site tenants. The Commission strongly recommends the applicant consider the provision of a public restroom facility on-site near the public plaza.

OFF STREET PARKING FOR LARGER DEVELOPMENTS

37. This amendment will allow residential and office parking to be reserved. Section 905.2 would apply to all mixed use developments including the Central Business District (CBD) Zone. As specifically allowed under Section 905.1, in the Noroton Heights Redevelopment zone, the Commission can waive up to a maximum of 50% of the required parking. That provision does not apply to the CBD.

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38. The Commission debated the inclusion of a provision that there be a minimum amount of at-grade parking within the development. However, that is not being included as part of this decision. This will be a scrutinized issue by the Planning and Zoning Commission going forward, and the applicant is strongly encouraged to provide convenient at-grade parking to make the first floor commercial uses more accessible to their customers.

INCLUSIONARY ZONING

39. The Commission agrees with the applicant's proposed regulation amendments as they relate to inclusionary zoning in the Corbin Subarea. However, the Commission believes that these provisions are better included as a new Section 589 in the Inclusionary Zoning Section of the Regulations, rather than in the Corbin Subarea section of the Regulations. Since the Commission is already increasing the development potential and building heights within the Corbin Subarea, it is appropriate that the Inclusionary Zoning incentives or waivers of Section 585, shall not be applicable for projects within the Corbin Subarea.

CONCLUSIONS AND FINDINGS

40. The application was referred to the Western Connecticut Council of Governments (WestCOG). Their e-mail comment dated December 21, 2016 is 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."
41. As part of this request, the applicants have prepared informal site plans, sketches and building elevations for the Commission to better understand the implications of the proposal and the potential impacts of the zoning regulation amendments. Formal site plan and special permit review will be subsequently required to develop any of these properties within the Corbin Subarea under the zoning map and zoning regulation amendment. At that time, the Commission will review specific site plan issues including, but not limited to parking, traffic, and stormwater management.
42. The Commission is **modifying and adopting** the proposed amendments to:
- a) Modify building heights by:
 - 1. not having a two story minimum;
 - 2. changing from a 4 story/56.5 feet maximum to a 4 story/55 feet maximum
 - 3. changing from a 5 story/71 feet to 5 story/70 feet maximum.
 - b) changing the height restriction areas
 - 1. Change 8 foot 4 story area from Corbin Drive to be 10 feet.
 - 2. Change 50 foot 4 story area from Corbin Drive to be 65 feet.
 - 3. Change 150 foot 3 story area from Boston Post Road to be 165 feet.

These changes better reflect the proposed buildings sketched out by the applicant on page A-80.
 - c) Requiring a minimum size public plaza of not less than 5% of the total area of the lot(s) being redeveloped or 10,000 square feet, whichever is greater.

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- d) not including the Corbin Subarea within the CBD Zone section of the regulations, but rather, creating its own section.
- e) not including the new parking dimensions in the Corbin Subarea regulations, but rather, in a separate section 226a.
- f) not including the Inclusionary Zoning requirements in the Corbin Subarea regulations, but rather, placing them in the Inclusionary Zoning section.
- g) correcting a typographical error with reference to section 210.

43. The Commission hereby confirms that these proposals described herein, to modify the zoning regulations, are consistent with the Town Plan of Conservation & Development.

NOW THEREFORE BE IT RESOLVED that Amendment to Darien Zoning Regulations (COZR #11-2016), is 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 Regulations to be amended accordingly.)

226a. 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"

While the Commission is hereby allowing for the reduction of parallel parking spaces within the Corbin Subarea, the Commission strongly recommends that where possible, such spaces be slightly larger. This will give users of the subarea 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.

233. HEIGHT ZONES IN CORBIN SUBAREA



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SECTION 690. CORBIN SUBAREA WITHIN THE CBD ZONE aka

CENTRAL BUSINESS DISTRICT – CORBIN SUBAREA (CBD-CS)

691. Background and Purposes

The Central Business District Zone is the Town's primary business area and is intended to be the focal point for retail and business and professional office activities with apartments encouraged on upper floors. These Regulations are designed to encourage the orderly development of this district in a manner which encourages the preservation of the existing architectural character of this zone and, at the same time, to provide the opportunity for creative and flexible architectural design. The sound inter-relationship of buildings to plazas and open spaces, provisions for proper pedestrian and vehicular circulation and consolidated central parking areas, and encouragement of a mix of housing and business uses which are necessary and desirable to serve the needs of the residential community are also specifically addressed in these Regulations. These Regulations are designed for Commercial Sales and Service uses (except for Financial Service uses) on the first floor areas and to provide sufficient spaces for Business and Professional Offices and encourage Dwelling Units in upper floor spaces. The intent is to strengthen the viability of housing and retail business in the Central Business District and to foster pedestrian activity as fully as is practical.

The area within the Central Business District and adjacent to the Interstate 95 (Connecticut Turnpike) right-of-way presents a unique opportunity for redevelopment on a larger scale, and in a manner that utilizes the proximity of the Interstate 95 (Connecticut Turnpike) right-of-way and entrances and exits at the Boston Post Road. The width of that right-of-way serves as a buffer to minimize the impact of larger structures from the residential zone to the south of the right-of-way. The Corbin Subarea also presents an opportunity to distribute traffic through the use of on-site streets and on-site parking. Accordingly, the Corbin Subarea regulations encourage comprehensive, mixed-use developments, with public greens and plazas, landscaped pedestrian plazas, public amenities, internal streets and off-street parking facilities sufficient to meet the parking requirements of a larger redevelopment. The Corbin Subarea regulations provide developers with an option to build larger projects under the subarea regulations, or projects under the CBD regulations.

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.

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- 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 with the standards under Subsection 1005h.
- e. Clubs and lodges.
- f. Personal Service Businesses.
- g. Larger Developments. The term "Larger Developments" shall mean developments located entirely within the Corbin Subarea that are on development sites that are a minimum of 3 acres in area.

695. Accessory Uses Requiring Special Permits

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

- a. Food Service Convenience.

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696. Area and Bulk Requirements

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

1. Minimum Lot Area	None (See Note a)
2. Minimum Lot Width	40
3. Minimum Lot Frontage	40
4. Minimum Lot Depth	100
5. Minimum Front Yard	None (See Note b)
6. Minimum Side Yard	None (See Note c)
7. Minimum Rear Yard	20 ft. (See Note d)
8. Maximum Height in Stories	2 (See Note e)
9. Maximum Height in Feet	28
10. Maximum Building Coverage	None
11. Minimum Front Landscape Depth.	None
12. Maximum Developed Site Area	None
13. Maximum Floor Area of all Dwelling Units	1,000 sq. ft. (See Note e)

Notes:

- a. Requirements for yards and buffers control lot sizes.
- b. No front yard required, except that within 100 feet of a Residential Zone, the setback shall be at least one-half that required in that Residential Zone. No parking shall be permitted in front of any building unless the setback from the street line shall be at least 75 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirements where setback of existing buildings shall be greater or less than minimum requirement.
- c. None, except as follows:
 - (1) If a side yard shall be provided, it shall be at least four feet, except where access to parking space shall be provided through a side yard, in which case the yard shall be at least 25 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet provided the full 25 feet wide access shall be assured:
 - (2) Where a side yard abuts a Residential Zone, it shall equal the side yard requirement of said abutting Residential Zone.
- d. As specified above, except as follows:

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- (1) Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;
- (2) Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.
- e. If more than 2 dwelling units, than at least 30 percent of the total number of units shall be limited to one bedroom. One additional off-street parking space per bedroom shall be required.

697. Special Controls

- a. This zone is subject to the special requirements for Dedication of Public Parking Areas. (See Subsection 1057.)
- b. The requirements for parking may be satisfied by donation of land to, and acceptance by, the Town for the municipal parking program subject to the requirements of Subsection 903.2.
- c. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.
- d. All uses shall be subject to Site Plan Approval in accordance with Section 1020.

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. Dimensions are in feet unless otherwise indicated.

<u>1. Minimum Site Area</u>	<u>3 acres (See Note a)</u>
<u>2. Minimum Lot Width</u>	<u>None (See Note a)</u>
<u>3. Minimum Lot Frontage</u>	<u>750 (See Note b)</u>
<u>4. Minimum Lot Depth</u>	<u>None (See Note a)</u>
<u>5. Minimum Front Yard</u>	<u>None (See Note c)</u>
<u>6. Minimum Side Yard</u>	<u>None (See Note c)</u>
<u>7. Minimum Rear Yard</u>	<u>See Note c</u>
<u>8. Maximum Height in Stories</u>	<u>See Section 658.1</u>
<u>9. Maximum Height in Feet</u>	<u>See Section 658.1</u>
<u>10. Maximum Building Coverage</u>	<u>None</u>
<u>11. Minimum Front Landscape Depth,</u>	<u>None</u>
<u>12. Maximum Developed Site Area</u>	<u>None</u>
<u>13. Maximum Floor Area of Dwelling Units</u>	<u>3,000 sq. ft.</u>

Notes:

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- 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.
- b. Lot frontage shall be the total frontage along lot lines that separate the development site from local streets.
- 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 and Streets in Larger Developments in the Corbin Subarea

- a. Maximum building heights within the Corbin Subarea shall comply with the following setbacks (see Section 233 "Height Zones—Corbin Subarea within the CBD Zone):

<u>Maximum Building Height in Stories & Feet</u>	<u>Setback from Boston Post Road</u>	<u>Setback from Corbin Drive</u>	<u>Setback from Interstate 95</u>
<u>3 stories/50 feet</u>	<u>None</u>	<u>None</u>	<u>20 feet</u>
<u>4 stories/55 feet</u>	<u>165 feet</u>	<u>None</u>	<u>20 feet</u>
<u>5 stories/70 feet</u>	<u>210 feet in part</u>	<u>10 feet in part</u>	<u>20 feet</u>

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	and 300 feet in <u>part</u> See Note 1	and 65 feet in <u>part</u> See Notes 1 & <u>2</u>	
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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 10feet 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 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 210 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.
- c. The location and specifications of the on-site streets and service roads shall be consistent with the Town Plan of Conservation and Development.
- d. Internal streets and service roads may be privately owned and maintained.

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Modifications to existing Section 687 Public Plazas (in the Noroton Heights Redevelopment Zone), and the creation of a new section 699 which refers to this section.

687. Public Plazas

The Commission may permit building height to be increased as provided in Note (c) of Section 685 in the Noroton Heights Redevelopment Zone, or pursuant to Section 690 in the Corbin Subarea, provided that the proposed development includes one or more on-site public plazas that meet the following criteria:

- a. The total area of all on-site public plazas shall be not less than five (5%) percent of the total area of the lot being redeveloped, or 10,000 square feet, whichever is greater.
- b. The public plaza shall be reserved from building coverage and shall be developed and maintained by the owner, and open to the general public, provided that the Commission may approve as public plazas areas covered by an upper floor of adjacent structures, or an upper floor connecting two structures, or by awnings, eaves or similar appurtenances.
- c. Public plazas shall include seating and features such as a fountain, water cascade, or other water display, public art, or other comparable public amenity which is maintained by the property owner or their representative in operating condition throughout the year, except when weather conditions prohibit such operation.
- d. The area of at least one public plaza shall be at least 3,500 square feet in size, which can fit a box of at least 35 feet x 35 feet in size.
- e. Public plaza features shall not be reserved for exclusive use by any occupant or tenant of the redevelopment site. The public plaza is not to be used as an expansion of the commercial use(s) of the site (such as dining tables or outside display/sales area or other activities which might hinder public access).
- f. Commonly used areas such as sidewalks, parking areas, and the like shall not be included in the calculation of the total area of on-site public plaza features. Landscaped islands within a parking lot cannot count towards a public plaza unless they are 30 feet wide. A public plaza cannot be in a required buffer unless it provides public access into the site.
- g. For each public plaza, the Commission shall find that its location, layout, dimensions, landscaping, traffic, lighting, signage, drainage, utilities, and other features shall be in harmony with the convenient, orderly and attractive development of the zone.

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699. Public Plazas

Developments within the Corbin Subarea shall include one or more on-site public plaza features that meet the criteria outlined in Section 687 (Public Plazas), with the only additional criteria being the following:

- a. Public plaza areas may be used for public events, such as concerts, farmers' markets, art shows, outdoor movies, and similar events, each event not to exceed 4 consecutive days in duration. Such uses shall be allowed without the need for separate zoning permits. Events longer than 4 consecutive days in duration shall require a special permit.

699.1. Off-Street Parking for Larger Developments within the Corbin Subarea

Developments within the Corbin Subarea shall include sufficient off-street parking facilities, subject to the following:

- a. Parking shall comply with the provisions of Section 900, except as otherwise provided in this Section 690.
- b. Parking structures located below grade shall not count as stories in determining building height or gross floor area.
- c. Off-street parking for residential and office tenants may be reserved for such tenants, provided the Commission finds that the remaining parking shall be sufficient for the other uses in the project.
- d. A parking study shall be performed by a qualified parking or traffic consultant, and shall include the following:
 - (1) The study shall identify the properties and uses of the development and other sites within the Corbin Subarea.
 - (2) The study shall use relevant shared parking guidelines and research published by a reputable nationally-recognized organization in the estimation of parking demand and shared parking factors by use and/or time of day for the subject development.
 - (3) Reductions for Alternative Transportation Services, Transit Oriented District, Off-Site Parking, On-Street Parking shall be considered in the analysis.
- e. A Parking Management Plan shall be submitted outlining the provisions to assure that parking is shared as projected in the parking study, and that the shared parking arrangement provides that all of the required number of parking spaces are within the Project limits. The Parking Management Plan shall include the following:

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- (1) A site plan showing parking spaces intended for shared parking and their proximity to the uses they will serve.
 - (2) Designation of parking areas reserved for particular uses or groups of uses, and signage directing parkers to the designated locations.
 - (3) A pedestrian circulation plan showing connections and walkways between parking areas and land uses.
 - (4) A written plan outlining practices that will support successful shared parking, including but not limited to, access controls and enforcement techniques.
- f. Section 226a design standards apply.

A new subsection 589 to be created within the Inclusionary Zoning Regulations:

589. Inclusionary Zoning. The provisions of Section 580 shall apply to Larger Developments within the Corbin Subarea, subject to the following:

- a. The incentives and waivers set forth in section 585 shall not apply to Larger Developments within the Corbin Subarea.
- b. The Commission may approve affordable housing units that are subject to additional occupancy restrictions based on age or disabilities, provided that such additional restrictions comply with all applicable housing laws. Each affordable housing unit that is subject to multiple restrictions shall be counted as a single unit for compliance with Section 583.

