

PRICE REDUCED



PROPERTY FOR SALE

767
**BOSTON POST ROAD,
DARIEN, CT**

An office building totaling 4,000 SF
in downtown Darien

Christian Bangert
T: 203.653.1742
E: cbangert@rhysre.com

Cory Gubner
T: 203.653.1730
E: cgubner@rhysre.com

RHYS

Index

Disclaimer

The Executive Summary

Property Aerial Views

The Location

The Demographics

Property Description

Site Survey

Zoning Regulations



The information contained in this Offering Memorandum is confidential, furnished solely for the purpose of review by a prospective purchaser of certain information to the properties mentioned herein (collectively, the “Property”) and is not to be used for any other purpose or made available to any other person without the expressed written consent of RHYS Commercial. The material is subject to errors and omissions, and based in part upon information supplied by sources deemed reasonably reliable. Summaries of any documents are not intended to be comprehensive or all-inclusive, but rather, only an outline of some of the provisions contained herein. No warranty or representation, expressed or implied, is made by Owner, RHYS or any of their respective affiliates, as to the accuracy or completeness of the information contained herein or any other written or oral communication transmitted to a prospective purchaser in the course of its evaluation of the Property. No legal liability is assumed or to be implied in connection with the information or such other communications. Without limiting the generality of the foregoing, the information shall not be deemed a representation of the state of affairs of the Property since the date of preparation of the information. Prospective purchasers should make their own projections and conclusions without reliance

upon materials contained herein and conduct their own independent due diligence, including engineering and environmental inspections, to determine the condition of the Property and the existence of any potentially hazardous material located at this site.

This Offering Memorandum was prepared by RHYS and has been reviewed by Owner. It contains select information pertaining to the Property and does not purport to be all inclusive or to contain all of the information which prospective purchaser may desire. All financial projections are provided for general reference purposes only and are based on assumptions relating to the general economy, competition and other factors beyond control and, therefore are subject to material change or variation. An opportunity to inspect the Property will be made available to qualified prospective purchasers. Any and all parties reviewing this offering memorandum or inspecting the Property shall rely exclusively on their own due diligence and/or investigations.

In this Offering Memorandum, certain documents and other materials are described in summary form. The summaries do not purport to be complete, nor necessarily accurate descriptions of the full agreements involved,

nor do they constitute a legal analysis of such documents. Interested parties are expected to independently review all documents. This Offering Memorandum is subject to prior placement, errors, omissions, changes or withdrawal without notice and does not constitute a recommendation, endorsement or advice as to the value of the Property by RHYS or the Owner. Each prospective purchaser is to rely upon its own investigation, evaluation and judgment as to the advisability of purchasing the Property described herein.

Owner and RHYS expressly reserve the right, at their sole discretion, to reject any or all expressions of interest or offers to purchase the Property and/or to terminate discussions with any party at any time with or without notice and without liability. Owner shall have no legal commitment or obligation to any purchaser or other party reviewing this Offering Memorandum or making an offer to Purchase the Property unless a written agreement for the purchase of the Property has been fully executed, delivered, and approved by the Owner and any conditions to Owner’s obligations there under have been satisfied or waived. RHYS is not authorized to make any representations or agreements on behalf of Owner.

Summary

RHYS Commercial has been retained as the exclusive broker to sell 767 Boston Post Road in Darien, CT. Currently owner occupied, the property will be delivered vacant and consists of a 4,000± square foot, two and a half story office building on a 0.31± acre lot, including a shared on site parking lot in the rare that can accommodate 23± cars.

The Subject is in the Design Business One Zone (DB-1) and will allow for a number of uses including residential, assisted living, professional business offices and indoor recreation facilities.

767 Boston Post Road is located conveniently off of I-95, via exit 11,12 or 13 and has over 70 feet of frontage on Boston Post Road / US 1, allowing for great visibility. The building is also within 1,000 feet of the Darien Metro North Train Station, making it easily walkable for commuters. Daily traffic counts are over 16,200 per day on Boston Post Road and over 153,000 per day on I-95. Neighboring Darien tenants include Trader Joes, Stop & Shop, Orvis, Starbucks, Darien Sport Shop and many more.

Sale Price**\$1,350,000****For More Information Please Contact:****Christian Bangert**

Senior Vice President & Principal

T: 203.653.1742

E: cbangert@rhysre.com

Cory Gubner

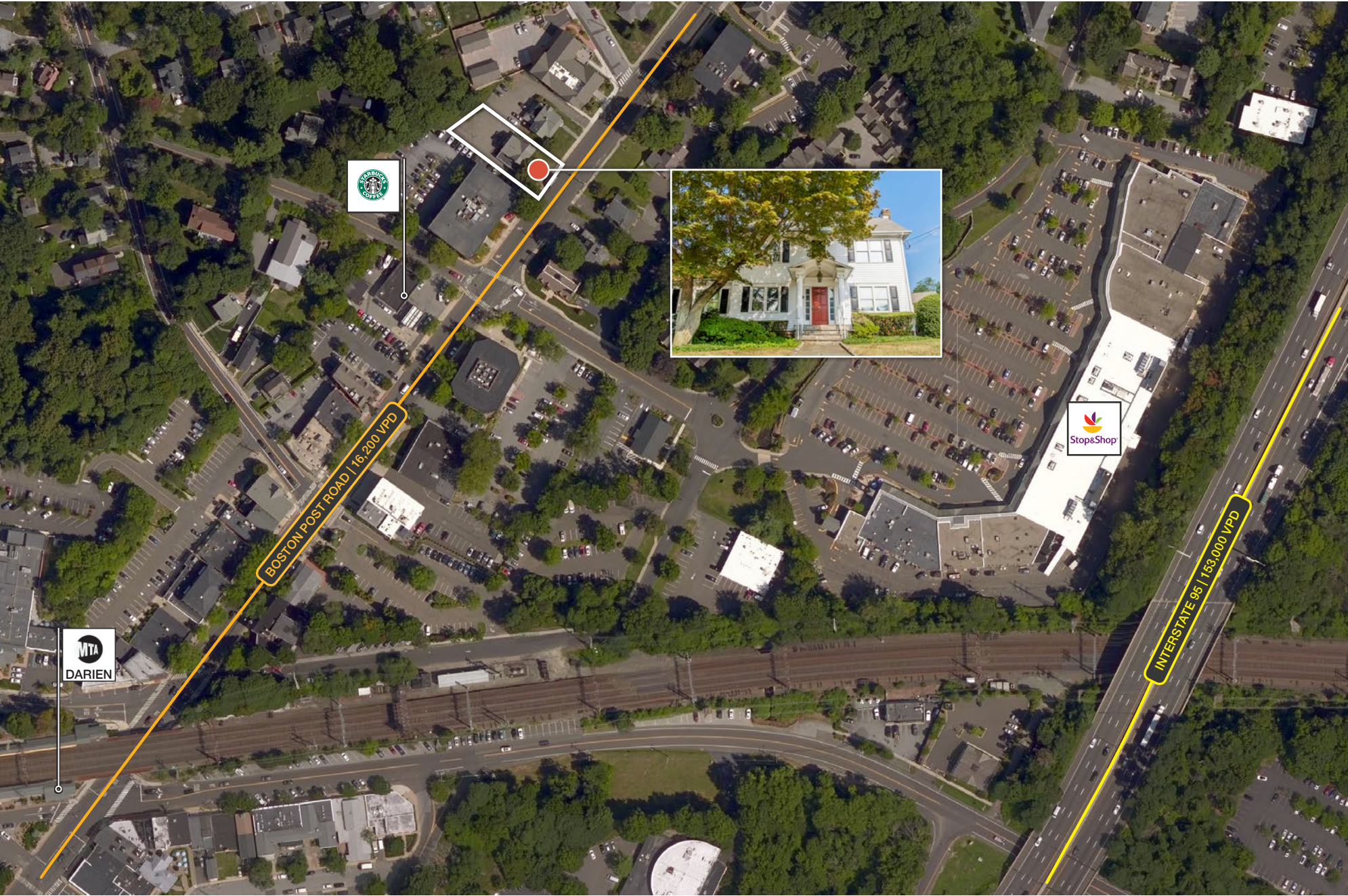
President & CEO

T: 203.653.1730

E: cgubner@rhysre.com









The Location

Darien is located in the southern section of affluent Fairfield County, Connecticut, the wealthiest state in the United States based on per capita income. Moreover, Fairfield County includes 9 out of 10 of the wealthiest towns in the state including Darien, Greenwich, New Canaan, Weston and Westport. The demographic strength of this market generates some of the highest retail, residential and office rental rates in the suburban New York metropolitan area.

The immediate downtown Darien area is filled with an array of national, regional and local retailers ranging from grocery (Whole Foods, Trader Joes, Stop & Shop) clothing (Brooks Brothers, Orvis, Jos. A Bank) dining (Chipotle, Panera Bread, Starbucks) and banking (Bank of America, Chase, Webster Bank) options. The main retail corridor of Darien stretches approximately two miles along Boston Post Road from a quarter mile east of the site all the way to the Darien/Norwalk border.

Since Boston Post Road is the main roadway by which non highway traffic travels in this area, direct frontage properties are the most sought after for retailers.

Total Population

21,214

Avg. HH Income

\$257,493

Income \$100,000+

70.4%

Total Daytime Population

19,683

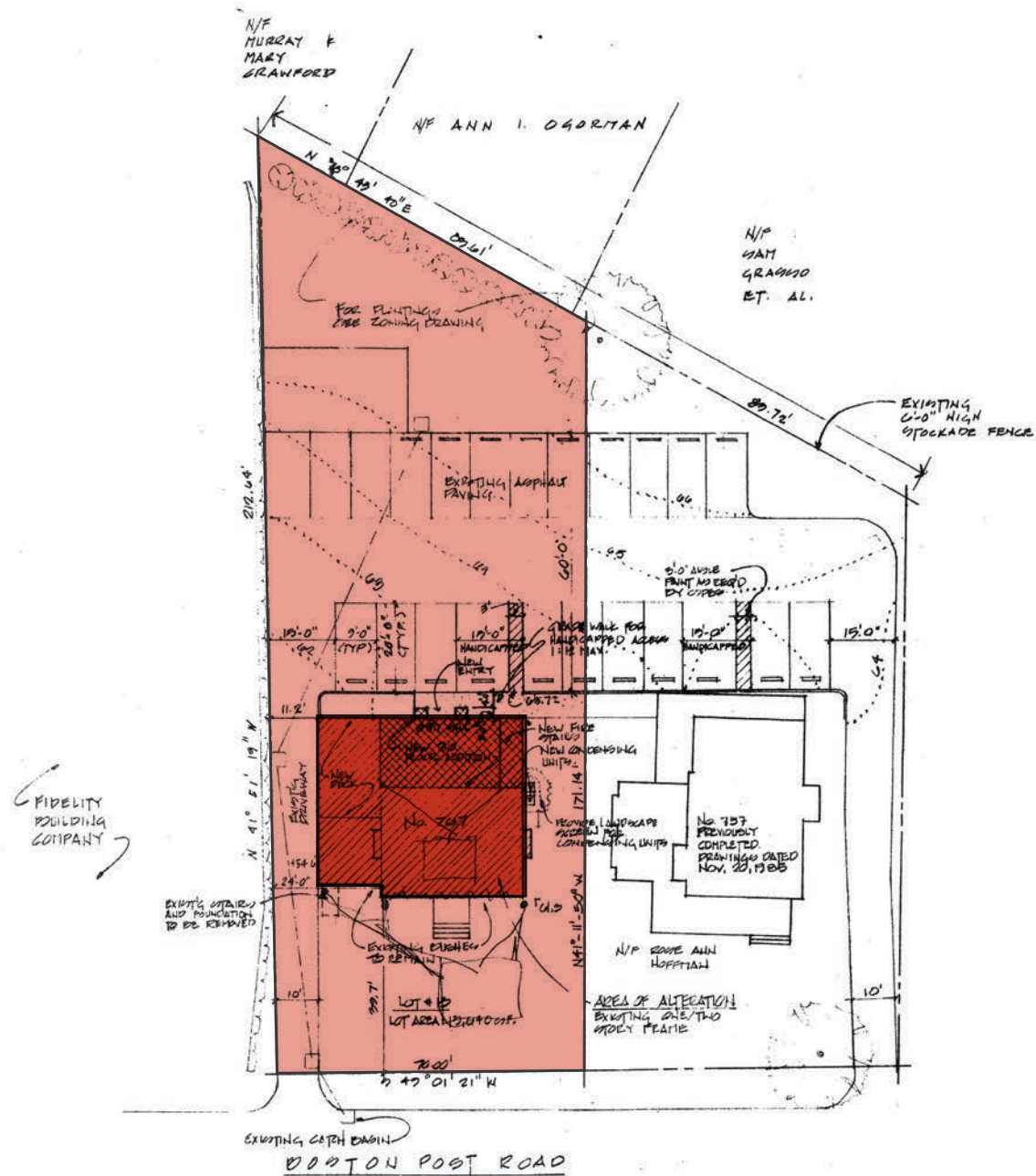
Above numbers are based on 3 mile radius.

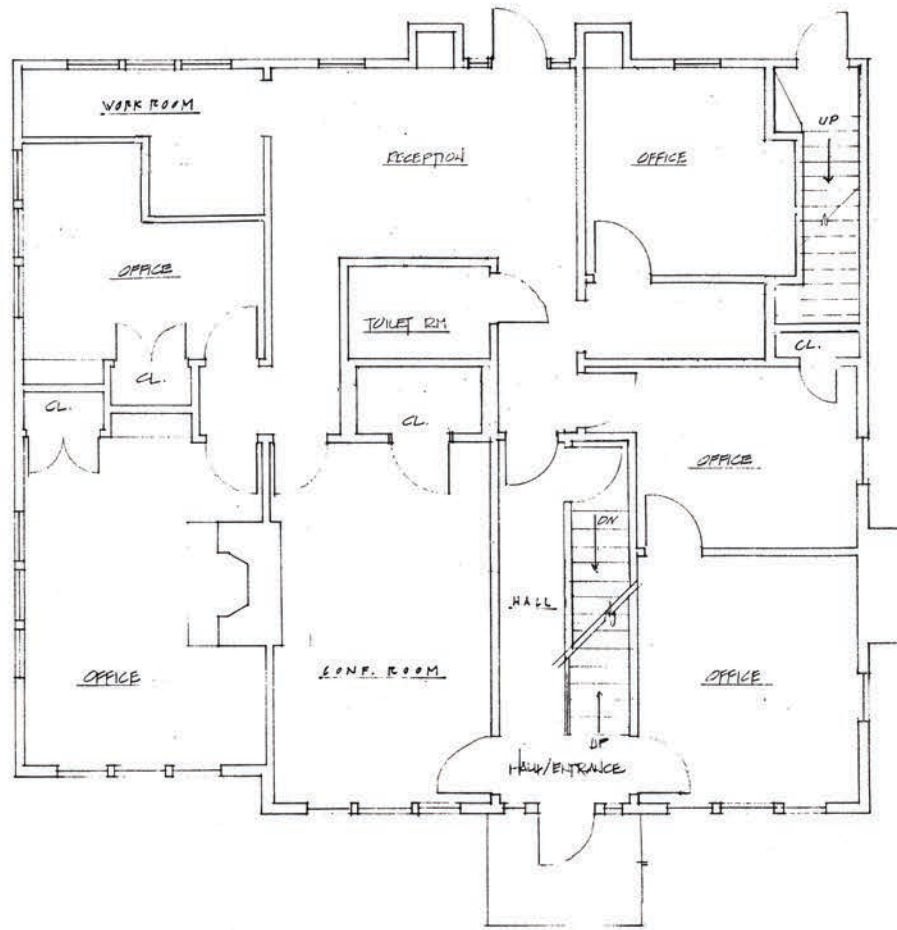
2013 Demographics:			
	Town of Darien	Fairfield County	State of Connecticut
Population			
Total Population	21,214	940,783	3,591,010
Total Households	6,866	345,837	1,377,477
Population Density (per Sq. Mi.)	1,675.69	1,510.36	742.47
Age:			
Age 0 - 19	37.6%	26.9%	25.2%
Age 20 - 34	7.2%	17.1%	18.3%
Age 35 - 64	43.7%	42.3%	41.9%
Age 65 +	11.5%	13.7%	14.6%
Median Age	39.5	39.8	40.5
Race and Ethnicity			
White	93.9%	74.2%	77.1%
Black	0.5%	11.0%	10.3%
Asian/Hawaiian/Pacific Islander	3.8%	5.0%	4.1%
Other	0.7%	7.0%	5.8%
Multi-Race	1.1%	2.8%	2.7%
Hispanic Ethnicity	3.9%	17.9%	14.3%
Not of Hispanic Ethnicity	96.1%	82.1%	85.7%
Marital Status:			
Never Married	21.3%	32.1%	33.0%
Now Married	66.7%	52.7%	50.0%
Divorced	7.4%	9.3%	10.8%
Widowed	4.6%	5.9%	6.1%
Educational Attainment:			
No Schooling Completed	0.3%	1.0%	0.9%
Grade K - 12	1.5%	11.2%	10.6%
High School Graduate	9.7%	23.1%	28.0%
Some College, No Degree	8.7%	15.4%	17.7%
Associates Degree	2.9%	5.6%	7.2%
Bachelor's Degree or Higher	77.0%	43.7%	35.6%

2013 Demographics:			
	Town of Darien	Fairfield County	State of Connecticut
Household Income:			
Income \$0 - \$24,999	8.3%	16.4%	17.8%
Income \$25,000 - \$49,999	8.9%	16.8%	19.2%
Income \$50,000 - \$99,999	12.4%	26.0%	30.7%
Income \$100,000 +	70.4%	40.8%	32.3%
Average Household Income	\$257,493	\$130,794	\$99,379
Median Household Income	\$175,276	\$79,787	\$69,219
Per Capita Income	\$83,362	\$48,335	\$38,526
Vehicles Available			
0-1 Vehicles Available	30.0%	40.9%	41.9%
2+ Vehicles Available	70.0%	59.1%	58.1%
Average Vehicles Per Household	2.09	1.94	1.94
2013A Daytime Population			
Total Daytime Population	19,683	955,224	3,678,259
Population aged 16 and under	6,101	204,910	733,515
Daytime Population Age 16+	13,582	750,314	2,944,745
Civilian 16+, at Workplace	62.3%	61.3%	58.3%
Civilian 16+, Unemployed	1.8%	4.6%	5.2%
Civilian 16+, Work at home	5.3%	3.1%	2.4%
Homemakers Age 16+	23.8%	12.6%	10.8%
Population Trend			
Change 2000 to 2010	7.2%	4.0%	5.0%
Change 2013A to 2018	1.4%	1.6%	1.8%
Median Age Trend			
2000	38.0	37.3	37.4
2010	39.0	39.5	40.0
2013A	39.5	39.8	40.5
2018	40.4	40.4	41.0
Household Trend			
Change 2000 to 2010	3.1%	3.7%	5.4%
Change 2013A to 2018	1.6%	2.4%	2.6%

767 Boston Post Road, Darien, CT	
Basic Information	
Property Type	Office
Address	767 Boston Post Road, Darien, CT 06820
County	Fairfield
Site Information	
Location	The Subject Property is located along the north side of Boston Post Road (US Route 1) in Darien, Connecticut, approximately 200 feet east of the Boston Post Road and Sedgewick Avenue intersection.
Parcel Size	0.313± ac 13,634± sf
Parcel Shape	Regular
Topography	Gently sloped
Street Frontage	70±' on Boston Post Road
Building Information	
Number of Buildings	One (1)
Gross Building Area	4,000± sf*
Net Rentable Area	3,232± sf*
Year Built	1916
Number of Stories	Two and one half, plus, basement
	* GBA & NBA figures include office/storage space in finished attic, estimated to be 300± sf
Municipal Information	
Parcel Number	06736
Alternate ID	16 13
Zoning District	DB—1 Designed Business One
Land Use Code	340 - General Office
NBHD Code	3050
FEMA Flood Zone	Zone X - Outside the
Utilities	All available, public 0.2% chance floodplain

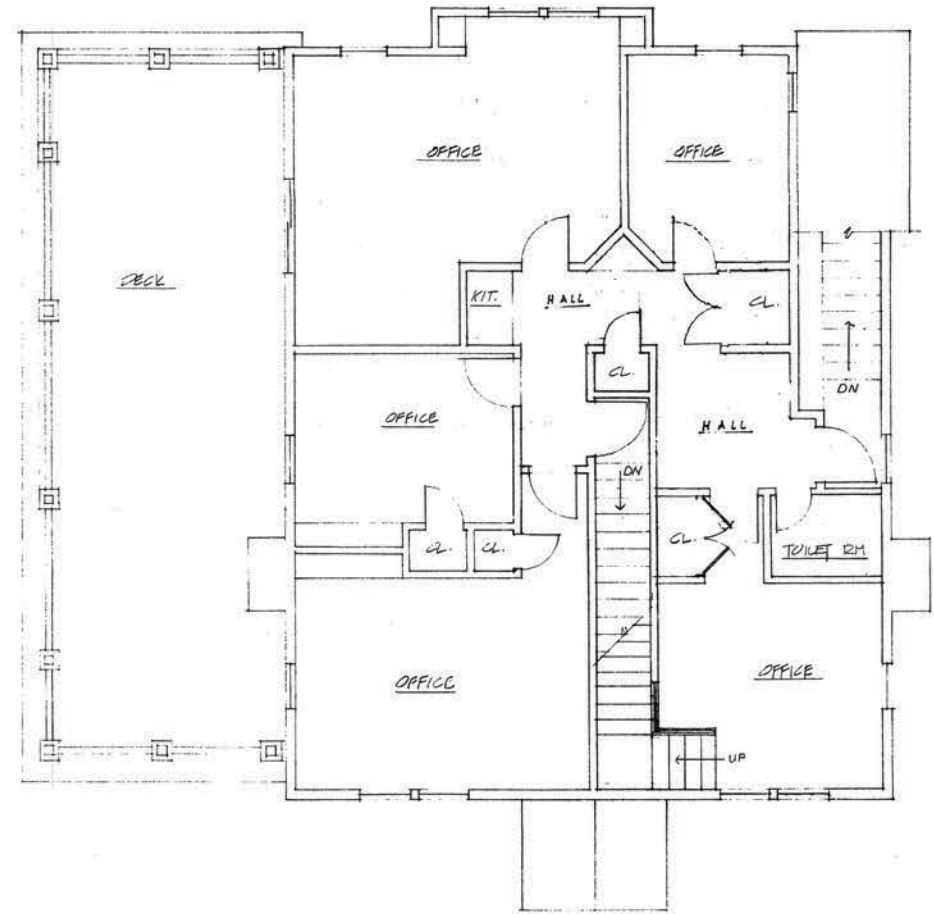
767 Boston Post Road, Darien, CT	
Assessment and Tax Information	
Assessing Authority	Town of Darien
Revaluation Date	October 1, 2014
Assessed Land Value	\$651,910.00
Assessed Building Value	\$218,190.00
Total Taxable Assessment	\$870,100.00
Current Tax Year	2014 Grand List
Current Mill Rate	15.35 mills
Current Tax Liability	\$13,356.04
Building Detail	
Use Group	082-Multi-Use Office
Physical Condition	Good
Foundation	Concrete slab basement
Construction	Wood frame/joist/beam
Wall Height	9±' (Basement 7±')
HVAC	Central
Additional Features	
Covered Porch	64± sf (8±' x 8±')
Asphalt Driveway/ Parking Area	4,500± sf
Parking Type	Surface
Curb Cuts	Single curb cut along Boston Post Road





FIRST FLOOR

SCALE: 1/4" = 1'-0"



SECOND FLOOR

SCALE: 1/4" = 1'-0"

SECTION 500. DESIGNED BUSINESS AND RESIDENTIAL ZONE (DBR)

501. Background and Purposes

This district is an overlay zone which, in addition to permitted uses and controls of the underlying zone, also permits additional uses subject to special provisions and is composed of the Designed Business One (DB-I) and Designed Business Two (DB-2) Zones together with associated residentially-zoned areas as shown on the Town Zoning Map. The district is a transitional zone between the Central Business District and the lower density residential districts on the periphery of that center and provides for the construction of residential dwellings as an alternative form of development to that which is still permitted in the DB-I and DB-2 Zones. The public interest is to provide a desirable alternative to presently permitted commercial uses within the DB-I and DB-2 portions of this zone, to provide a broader choice of housing types in Darien, and to preserve the residential character of Darien. This zone permits the establishment of multi-family housing units that will serve the housing needs of persons who desire this form of housing with its associated conveniences and advantages, and will also meet certain social needs and requirements within the community. In particular, the DBR district is intended to provide a diverse range of housing alternatives with senior and moderate income housing being specifically encouraged.

502. Site Required to be Served by Public Water and Public Sewerage Facilities

To qualify for development under these DBR regulations, a site shall be served by public water and public sewerage facilities of sufficient capacity for the proposed development.

503. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000 and the standards set forth below:

- a. Multi-family dwellings.
- b. Related accessory buildings, structures and uses.

504. Area and Bulk Requirements

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

1	Minimum Lot Area	2 acres (87,120 sq. ft.)
2	Minimum Lot Frontage	150 (see Note a)
3	Minimum Lot Width (Average)	250
4	Minimum Lot Depth (Average)	200

5	Average Floor Area of all Dwelling Units	1200 sq. ft. (See note E)		
6	Minimum Floor Area of Dwelling Units	600 sq ft		
7	Minimum Front Yard	30		
8	Minimum Side Yard	25		
9	Minimum Rear Yard	25 (see note b)		
10	Maximum Height	2 1/2 stories or 28 ft (see note c)		
11	Maximum Building Coverage	20% (see note d)		
12	Maximum Floor Area Ratio (Subsection 515)	0.30 (0.12 offices + 0.18 multi-family)		
13	Maximum Building Size	8000 sq ft		
14	Maximum Dwelling Units/Building	10		
15	Maximum Density			
		Standard	Senior Housing Incentive	Moderate Income Incentive
	Dwelling Units/Gross Acre	8	12	+40% over standard
	Bedrooms/Gross Acre	16	18	+40% over standard

Notes:

- a. Frontage shall be on either Boston Post Road, Old Kings Highway North or Leroy Avenue.
- b. If located within 100 feet of any residential zone, a 50 foot minimum rear yard shall be required.
- c. Occupancy shall be limited to two stories, and half of the basement (based upon one-half the total square footage of the first floor) may be occupied and finished as well.
- d. May be increased to 25% to permit senior housing or moderate income housing incentives. Total coverage of the site including accessory buildings, parking and other paved areas, terraces and pedestrian sidewalks shall not exceed 50% of the site area.
- e. The average floor area of all dwelling units may be increased from 1200 square feet to as much as an average of 1800 square feet provided the density and/or maximum number of dwelling units is reduced by 30%, so that the size, number and bulk of the buildings and related development is not increased due to the larger size of the units.

505. Density

505.1 Modification - Significant wetlands and areas of steep slopes of 15 percent or greater grade may be identified by the Commission and excluded from the gross land area computation. The Commission may increase the maximum density and modify the coverage requirements hereunder pursuant to Subsections 506.1 and 506.2.

505.2 Bedrooms - At least 30 percent of the total number of units shall be limited to one bedroom.

505.3 Maximum Total - The total number of dwelling units, including maximum unit density and bonus units, shall not exceed 60 dwelling units on any DBR site. The total number of bedrooms, including maximum bedroom density and bonus bedrooms, shall not exceed two times the maximum total number of permitted dwelling units on any DBR site.

506. Density Incentive

506.1 Senior Housing Incentive - If the applicant agrees to limit occupancy of all dwelling units to families of which at least one person is age 62 or over, then the Commission may permit the applicant to develop a maximum density of 12 units and 18 bedrooms per gross acre. Title to the Senior Housing Incentive Units shall be restricted so that in the event of any resale by the owner or any successor, the property shall remain restricted to occupancy by at least one person age 62 or over.

506.2 Moderate Income Housing Incentive - Permitted density may be increased by not more than 40 percent if at least 40 percent of the additional density units are established as moderate income dwelling units. This incentive is an alternative to and not in addition to the Senior Housing Incentive above. The Commission may limit this increase in density where the Commission determines that such may be necessary or appropriate because of the specific characteristics of the individual site. The Commission may waive the recreational requirement of Subsection 509.b where the Commission finds that such waiver will encourage moderate income housing units. Additional criteria for moderate income housing incentives are set forth in Subsection 513.

507. Buffer

Any internal road, parking area or accessory structure for multiple or community use within 100 feet of any residential single-family zone shall be screened from view during all seasons of the year. No swimming pool, tennis court, paddle tennis court or other open recreational facility shall be located within 100 feet of any residential single-family zone and shall be screened in accordance with the requirements of Section 940.

508. Building Separation

A building wall with windows shall be at least 20 feet from any opposing wall that does not have windows and at least 50 feet from any opposing wall that does have windows.

509. Accessory Building, Structure and Uses

- a. Terrace areas adjacent to and with direct access from the unit shall have no dimension less than 10 feet with a minimum area of 150 square feet.
- b. Outdoor recreational uses, such as in-ground swimming pools, tennis courts and platform tennis courts, shall be required on DBR sites with more than 20 dwelling units. This requirement may be waived by the Commission.
- c. Business or professional home occupations shall not be permitted in dwelling units in this zone.
- d. A temporary sales or rental office may be permitted for use only in the sale or rental of units on site until initial sale or rental of the units shall be completed.
- e. Manager's office and/or community recreation center may be permitted as appropriate.
- f. Facilities for use by the occupants as common rooms or laundry, including but not limited to entertainment or common dining rooms with supportive food preparation areas and areas for periodic medical examination, limited treatment and therapy.
- g. Garages detached from a principal dwelling shall not exceed one story in height and shall be fully enclosed. Garage buildings shall be used solely for the storage of passenger vehicles of residents.
- h. Signage shall be limited to sign requirements applicable to all Residential Zones.
 - i. Outdoor laundry drying areas shall be prohibited.
 - j. Refuse containers shall be located in a building or screened by solid fences of at least six feet in height and fully enclosed.
- k. Other buildings, structures and uses not listed above, customarily accessory to a permitted principal use, provided that:
 - i. Each such accessory building or structure shall not exceed 300 square feet of gross floor area;
 - ii. Each such accessory building or structure shall not exceed 300 square feet of gross floor area;
 - iii. Each such accessory building or structure shall not exceed one story and shall not exceed 15 feet in height;
 - iv. No such accessory building or structure shall be occupied or used as habitable living space;
 - v. No accessory building or structure shall include any activity conducted for gain or profit;
 - vi. The total floor area of all accessory uses and buildings shall not exceed five percent of the gross floor area of the residential development.

510. Usable Open Space

- a. Except as provided in Subsections 514 and 515, at least 600 square feet of usable open space shall be provided on the site for each dwelling unit. All designated open space areas shall be able to contain a circle with not less than a 20 foot diameter. The land so set aside shall be properly monumented, graded, screened and landscaped and may include recreation facilities suited to the needs of the residents. Recreation areas shall be designed to prevent the emission of objectionable noise and light onto abutting properties. At least 75 percent of the recreation area shall have a grade less than five percent and the area shall be shown on the plan as well as the nature and type of recreation and facilities to be provided.
- b. The requirement of 600 square feet usable common open space per unit may be reduced by an amount equal to the total of the terrace areas provided under Subsection 509 divided by the total number of dwelling units on the site, and said area can be included in the calculation of the 600 square feet of open space per unit required hereby.
- c. The Commission may require that a conservation easement be conveyed for this required open space.

511. Architectural Design

The architectural design, scale and mass of buildings and other structures, including among other elements the exterior building materials, roof lines, and building elevations, shall be residential in character in accordance with the standards listed below so as to harmonize and be compatible with the neighborhood, to protect property values, and to preserve and improve the appearance and beauty of the community. The architectural design shall be reviewed by the Architectural Review Board and a report received prior to a public hearing.

- a. Pitched roofed buildings shall be encouraged.
- b. Roof-top mechanical equipment other than solar energy panels shall be concealed from all sides.
- c. No building shall extend in a continuous plane for more than 75 feet without an offset or stagger of at least five feet in depth.
- d. Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.
- e. The design of the development and the placement of buildings, driveways, walkways, parking facilities and other improvements shall be such that existing trees, water courses, rock outcrops and similar natural features are preserved to the greatest possible extent.

512. Parking, Drives and Garages

- a. Number of Off-Street Spaces - 2 1/2 spaces per dwelling unit including at least one single-car enclosed garage and one additional parking space excluding ga-

rage aprons provided for each dwelling unit. A minimum of one-half space per unit shall be designated as visitor parking.

- b. Parking spaces and driveways shall not be located in any required buffer or yard areas.
- c. Outside parking spaces shall be at least 10 feet from any dwelling unit within the development and adequately screened from adjoining residential uses.
- d. No portion of any such parking area shall be more than 200 feet from the entrance of any unit served thereby.
- e. Not more than 10 continuous spaces shall be built along an access driveway or parking lot without being separated by a landscaped area of at least six feet in width.
- f. Driveways shall generally have a width of 24 feet. Primary access shall only be to Boston Post Road, Old Kings Highway North, or Leroy Avenue. On corner lots, secondary access may be permitted on side streets.
- g. Pedestrian walkways, a minimum of three feet in width, shall be provided between buildings and between buildings and public highways in a system so as to discourage the use of driveways for pedestrian use. A sidewalk along a public street shall be constructed or reconstructed by applicant.

513. Moderate Income Housing Incentive**513.1 Criteria for Moderate Income Dwelling Units**

- a. a. Moderate income units shall be available for sale, resale or continuing rental only to moderate income families as defined in Subsection 513.2. Such units shall be physically integrated and dispersed into the design of the development. Moderate Income Units shall be distributed among one, two or three bedroom units in the same proportion as all other units on the site unless a different proportion is approved by the Commission as being better related to current or projected housing needs.
- b. Maximum Rent and Sales Price - the maximum monthly rent for a moderate income dwelling unit excluding utilities (gas, oil and electricity) and common charges shall not exceed two percent of the median annual Town-paid wages of all full time employees and teachers during the preceding calendar year. The maximum sales price for a moderate income dwelling unit shall not exceed 3 1/2 times the median annual Town-paid wages of all full time Town employees, including Board of Education employees, during the preceding calendar year. There shall be no extra charge for minimum required facilities such as, but not limited to, parking and recreational facilities other than common charges applicable to all dwelling units.
- c. Resale Restrictions - in the case of moderate income dwelling units, the title to said property shall be restricted so that in the event of any resale by the owner or any successor, the resale price shall not exceed the then maximum sales price of

- said unit as determined in accordance with Subsection 513.1 (b) above, plus the cost of any fixed improvements made by the owners.
- d. The Commission may require additional assurances, including deed restrictions, to ensure the continuing eligibility of tenants and continuing restrictions on use to eligible moderate income families.
 - e. Leasing and Subleasing - moderate income units may be occupied only by the owner and his or her immediate family, qualified according to these Regulations, except that any unit not owner-occupied may be rented only if the tenant qualifies according to these Regulations.

513.2. Definition of Moderate Income Families

Families whose aggregate income, including the total of all current annual income of all family members from any source whatsoever at the time of application (including a reasonable amount attributable to ownership of any residence which will be vacated, but excluding the earnings of working minors attending school full-time), averaged for the preceding two years, shall not exceed the following multiple of median annual Town-paid wages of full-time employees of the Town, including Board of Education employees, during the preceding calendar year.

Family Size	Multiple
1 person family	0.9
2 person family	1.3
3 person family	1.4
4 person family	1.5
5 person family	1.6

514. Darien Housing Authority or Town of Darien Special Permit Regulations

514.1 Background and Purposes

The rights, duties, privileges and obligations of these Special Permit Regulations shall be limited to the Darien Housing Authority and/or an entity officially designated by the Town of Darien only, in order to provide “Housing for Elderly Persons” under Section 8-112A, et seq. of the General Statutes and/or Moderate Income Housing.

514.2 Permitted Uses

The applicability of this Special Permit Section is also limited to land now or in the future owned by the Town or the Darien Housing Authority within the DBR Zone. All of the regulations of the DBR Zone shall apply to applications by the Darien Housing Authority or the Town of Darien except the Commission may, provided it shall make all findings under Section 1000, in its discretion, grant a Special Permit modifying the following:

- a. Setback requirements by not more than 25 percent.
- b. Height restriction for existing structures to be rehabilitated for senior citizen or

- moderate income housing.
- c. Maximum coverage by not more than 25 percent.
- d. Density by not more than 25 percent of the Density Incentive set forth in Section 506.
- e. Reduction of open space requirements by not more than 50 percent.
- f. Parking by reducing minimum number of spaces to not less than one space per unit for limited income elderly housing or two spaces per unit for moderate income housing.
- g. Removing garage requirement.
- h. Minimum floor area of dwelling units.
- i. Requirements for building separation.

514.3 Special Permit

The basis for a Special Permit hereunder shall be in addition to those findings required to be made under Section 1000 and shall also be based upon:

- a. The average floor area of residential units not exceeding 1000 square feet and at least 30 percent of all units being one bedroom units.
- b. The housing permitted hereunder being limited to moderate or limited income housing as provided and determined by the Darien Housing Authority or an entity officially designated by the Town of Darien pursuant to and in accordance with applicable state laws and these Regulations.

515. Mixed Use Regulations

515.1 Background and Purposes

Properties within the DBR Zone may be developed with combinations of residential and non-residential uses with the expressed intent of encouraging the construction of multi-family housing. This form of development shall be referred to as “DBR Mixed Use Development” and shall be permitted only subject to the terms and conditions of these special regulations and after careful design review to ensure that a harmonious relationship is established among the mixed uses and between the mixed uses and the general environs of the site.

515.2 Permitted Uses

Non-residential uses which are deemed to be compatible with multi-family units and which may be incorporated within a DBR Mixed Use Development shall be limited to:

- a. Business and professional offices.
- b. Indoor recreation facilities.
- c. Clubs or lodges.
- d. Protected Town Landmarks

515.3 General Standards and Requirements

- a. In deciding whether to permit mixed use development, the Commission shall find that the proposed uses are:
 - i. Appropriate to the site and compatible with surrounding properties and development;
 - ii. Designed to preserve any historically or architecturally significant structures and significant environmental features on the site;
 - iii. Properly designed to enhance and emphasize the residential portion of the project;
 - iv. Designed to minimize impacts upon any adjoining residential uses;
 - v. Designed to minimize traffic congestion;
 - vi. Of an intensity and combination of uses appropriate to the site and district pursuant to the requisite findings under Section 1000 of these Regulations.
- b. A DBR Mixed Use Development may include more than one lot and said lots are not required to be under common ownership. However, no structures shall encroach upon any lot line and all property owners shall participate in the application and be a direct party to any Special Permit which may be granted. Any future application to amend a Special Permit granted hereunder shall be consistent with the entire mixed use site. Any shared facilities, common usages or other such elements of the Special Permit shall be established in perpetuity through irrevocable easements or other appropriate procedures.
- c. A DBR Mixed Use Development constituting a subdivision or re-subdivision as defined in the General Statutes, shall not be approved by the Commission unless such subdivision or re-subdivision shall also have been approved. Such subdivision or re-subdivision approval process shall precede or be undertaken in conjunction with the DBR approval process

515.4 Density

No business or professional office building or structure in any DBR Mixed Use Development, as defined herein, shall exceed a floor area ratio (FAR) of 0.12. Any DBR Mixed Use Development including both a professional or service commercial office building or structure and multi-family dwellings shall not exceed a total FAR of 0.30 (0.12 for office and 0.18 for multi-family). In a DBR Mixed Use Development, any incremental increase in floor area above the ordinary maximum allowable FAR for the non-residential uses shall be for multi-family uses only. Previously existing indoor recreation facilities, clubs or lodges, and protected Town Landmarks are not subject to a specific FAR limitation due to their uniqueness, but the Commission may limit the amount of non-residential or multi-family development on the site accordingly. Otherwise, all requirements of Subsection 505 shall be applicable.

All regulations hereunder pertaining to density and intensity of development are maximum levels of development and the Commission, in its discretion, may further limit development to reflect site specific conditions.

515.5 Special Exceptions

Where the Commission makes positive findings under these standards and regulations that a proposed DBR Mixed Use Development may be permitted, they may also consider the granting of certain special exceptions which may permit additional flexibility in the development of the site or result in an improved development of the district. Wherever special exceptions are permitted, they shall be set forth specifically on the plans and the Commission shall set forth such exceptions in the record on the applications. These may include:

- a. Coverage - The maximum building and total site coverage for both commercial and residential uses may be increased by not more than 10 percent.
- b. Open Space - The minimum open space requirement of 600 square feet of usable open space for each dwelling unit may be decreased by the Commission to no less than 400 square feet for each dwelling unit. Otherwise, all requirements of Subsection 510 shall be applicable.
- c. Parking - The minimum parking space requirements for a non-residential use shall be complied with in full pursuant to Section 900. With regard to residential parking space requirements, the one-half space per unit to be designated for visitor parking may be provided on that portion of the site not reserved for multi-family uses if established by easement. Otherwise, all requirements of Section 900 shall be applicable to the residential development parking requirements.
- d. Setbacks - All setback requirements shall be applicable to a DBR Mixed Use Development with regard to parcels adjoining the site, but the Commission may grant special exceptions concerning the setback requirements involving mixed uses where it finds that to do so shall result in a better plan of development.
- e. Buildings - In no event shall the maximum permitted size of a non-residential structure be increased beyond that permitted by the DB-I and/or DB-2 standards for the portion(s) of the property which is within these zoning districts. The specific locations of the structures or buildings may be established on any portion of the mixed use development site, subject to the applicable setback requirements. No single building shall contain both residential and non-residential uses.

515.6 Applicability

These regulations shall be deemed to be an exclusive alternative development form within the DBR Zone and may not incorporate any incentives provided under Subsections 506, 513 or 514.

515.7 Pre-application Procedures

- a. Prior to developing any formal application, a sketch plan shall first be submitted to the Commission's office for an informal determination by the Director of Planning and Zoning that the proposal generally meets the intent and purposes of this Section.
- b. Upon receiving a positive determination in writing from the Commission's office, a preliminary application shall be submitted for the Commission's consideration.
- c. All reviews of preliminary plans by the Director and/or Commission shall be designed to aid the applicant in the preparation of an acceptable final plan and shall not be construed as binding on the Commission in its action on any formal application to be made under this Section.
- d. Within 45 days of receipt of the preliminary application, the Commission shall refer the application to the Architectural Review Board and schedule an informal hearing on the proposal.
- e. Subsequent to receiving any Commission approval of the preliminary application, the applicant shall prepare final plans and documents incorporating all requirements established by the Commission.

516. General Standards and Requirements

In addition to the specific standards and requirements provided herein, the Commission's approval of any application in the DBR district shall be subject to the Commission making all findings under Section 1000 and the following additional findings:

- a. The residential development shall be consistent with the letter and intent of the Town Plan and shall maintain the Town's predominantly residential character.
- b. The residential development shall not be detrimental to the health, safety, property values and character of the neighborhood and shall not adversely affect any adjoining single-family residential areas.

517. Application

As part of the Site Plan Approval process within the DBR Zone, the following additional requirements shall apply:

- a. A colored rendering of the proposed structure(s) drawn from a perspective representing a view from street level and illustrating at least two facades of the building.
- b. Elevation drawings for each side of the building.
- c. Samples of the finishing materials to be used on the exterior.
- d. Color photographs of existing development a minimum distance of 200 feet to any side of the subject site and a locus map showing all buildings within a distance of 200 feet of the subject site.
- e. Presentation of an architectural style which shall enhance and contribute to the

historic and architectural character of the site and the surrounding area.

- f. Buildings designed to enhance and contribute to special design features of the area including historic and public buildings and the natural environment.
- g. The applicant shall either obtain and submit with the application all necessary legal documents or rights such as easements, rights-of-way, articles of association, declarations, etc. or shall otherwise provide sufficient evidence to show, to the satisfaction of the Commission, that the acquisition of all such necessary legal documents or rights appears to have a reasonable probability of success.
- h. The applicant shall establish the phasing of development to clearly specify the sequence of construction of buildings and areas to ensure that amenities, public facilities and utilities shall be installed according to a specific construction schedule and to ensure against excessive excavation and undue damage from erosion.
- i. Such additional information and assurances as the Commission may deem necessary to make a reasonable decision on the application.

518. Limitation of Time

The Commission's approval shall become null and void unless construction of streets and other improvements shown on the site plan shall be at least 50 percent completed within one year of the effective date of the Commission's approval; site development completed within two years from the date of approval; and entire project completed within three years from the date of approval.

519. Drives

Drives and accessways within any DBR site shall be privately owned and maintained. Construction standards shall comply with the prevailing requirements for Town roads.



9 West Broad Street, 3rd Floor
Stamford, CT 06902

T: 203.274.9800 | F: 203.653.1788

www.rhysre.com

Christian Bangert

Senior Vice President & Principal
T: 203.653.1742 | E: cbangert@rhysre.com

Cory Gubner

President & CEO
T: 203.653.1730 | E: cgubner@rhysre.com

RHYS intends that the information contained in this document is accurate. Information contained in this document has been reviewed and approved by RHYS; however, errors sometimes occur. Therefore, RHYS disclaims any warranty of any kind, expressed or implied, as to any matter whatsoever relating to this service. In no event shall RHYS be liable for any indirect, special, incidental or consequential damages arising out of any use of or reliance on any content or materials contained herein.