

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 843 & 845 WHALLEY AVENUE. Special Permit for use greater than 5,000 SF in a BA-2 zone. (Owner: Atlantis Holdings LLC and Citadel Holdings LLC; Applicant: Children's Community Programs of CT, Inc. Agent: James Segaloff)

REPORT: 1555-14

ACTION: Approval with Conditions

Note: Companion CPC Report 1555-13 for the same site.

Previous CPC Actions:

No previous actions have been taken.

Submission: SPR Application Packet including DATA, WORKSHEET, SITE, and CSPR forms. NARRATIVE attached. Application fee: \$360. Received February 21, 2019.

- Site Stormwater Management Plan dated March 7, 2019. Received March 7, 2019. Revised March 21, 2019. Received March 21, 2019. Revised April 3, 2019. Received April 4, 2019. Additional revisions received April 12, 2019.
- Light Specifications. Received March 7, 2019. Revisions received March 21, 2019.
- Application drawings. 3 sheets received February 21, 2019. Revisions and additional drawings received March 7, 2019, March 21, 2019, April 4, 2019, and April 12, 2019.
 - C-1: Existing Conditions Plan. Drawing date January 31, 2019. Received February 21, 2019. Revised March 20, 2019. Received March 21, 2019. Revised April 3, 2019. Received April 4, 2019.
 - C-2: Site Development Plan. Drawing date January 31, 2019. Received February 21, 2019. Revised March 20, 2019. Received March 21, 2019. Revised April 3, 2019. Received April 4, 2019. Revised March 11, 2019. Received March 12, 2019.
 - C-3: Stormwater Management & Erosion Control Plan. Drawing date January 31, 2019. Received March 7, 2019. Revised March 20, 2019. Received March 21, 2019. Revised April 3, 2019. Received April 4, 2019.
 - C-4: Typical Details. Drawing date January 31, 2019. Received March 7, 2019. Revised March 20, 2019. Received March 21, 2019. Revised April 3, 2019. Received April 4, 2019. Revised March 11, 2019. Received March 12, 2019.
 - C-5: Typical Details. Drawing date January 31, 2019. Received March 7, 2019. Revised April 3, 2019. Received April 4, 2019.
 - C-6: Photometric Plan. Drawing date March 20, 2019. Received March 21, 2019.
 - AB-100: Basement Use Plan. Drawing date March 7, 2019. Received March 7, 2019. Revised April 12, 2019. Received April 12, 2019.
 - AB-101: First Floor Use Plan. Drawing date March 7, 2019. Received March 7, 2019. Revised April 12, 2019. Received April 12, 2019.
 - AB-102: Second and Third Floor Use Plan. Drawing date March 7, 2019. Received March 7, 2019. Revised April 12, 2019. Received April 12, 2019.
 - AB-200: Existing South Elevation and East Elevation. Drawing date March 7, 2019. Received March 7, 2019. Revised April 12, 2019. Received April 12, 2019.
 - AB-201: Existing North Elevation and West Elevation. Drawing date March 7, 2019. Received March 7, 2019. Revised April 12, 2019. Received April 12, 2019.

BACKGROUND

Per the City of New Haven zoning regulations Section 43(k)(12) and Section 64, Children's Community Programs of CT, Inc. has applied for a Special Permit to allow for a proposed use of more than 5,000 square feet in a BA-2 zone.

Current site conditions: The site is currently occupied by a vacant two-story building and a paved parking lot.

Proposed Activity: The proposed project includes the conversion of the first floor of the existing building into administrative office space for The Children's Community Programs of Connecticut, Inc. The applicant also

proposes to repair or replace the existing wooden fence that is screening the rear parking area from the adjacent properties and install new stormwater management infrastructure on site. No changes to the exterior of the building are proposed.

PUBLIC HEARING

A public hearing was held on April 17, 2019. A transcript of the hearing, CPC meeting 1556, is available from the City Plan Department.

SPECIAL PERMIT

Section 64 of the New Haven Zoning Ordinance states:

Statement of purpose. The development and execution of a comprehensive zoning ordinance is based upon the division of the city into districts, within which the *use* of land and *structures* and the bulk and location of *structures* in relation to the land are substantially uniform. It is recognized, however, that there are certain *uses* and features which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts, without consideration, in each case, of the impact of such *uses* and features upon neighboring *uses* and the surrounding area, compared with the public need for them at particular locations. Such *uses* and features are therefore treated as special permits.

Special Permit Criteria	Comments
<p>a. <i>Burden of proof.</i> A special permit shall not be considered an entitlement, and shall be granted by the Commission only after the applicant has demonstrated to the satisfaction of the Commission that all ordinance requirements are met.</p>	<p><i>The Development Permit application, including the Site Plan and Special Permit submittals, establish the applicant's eligibility because all Ordinance requirements are met.</i></p>
<p>b. <i>Ordinance compliance.</i> The proposed use shall comply with all applicable regulations, including any specific standards for the proposed use as set forth in this ordinance. Any accessory use to a special permit must receive express authorization from the commission.</p>	<p><i>The proposed use complies with all applicable regulations in a BA-2 zone.</i></p>
<p>c. <i>Comprehensive Plan of Conservation and Development.</i> The Commission shall determine if the proposed special permit's use and improvements comply with the City's development plans.</p>	<p><i>The proposed special permit's use complies with the City's Comprehensive Plan which encourages neighborhood commercial mixed use in the area.</i></p>
<p>d. <i>Natural features.</i> Special permits must preserve trees and other natural site features to the greatest extent possible so as to minimize their impact upon surrounding properties and the district, and must not have an adverse impact on significant scenic vistas or on significant wildlife or vegetation habitat.</p>	<p><i>Landscaping at the site is minimal as the existing building and impervious parking area occupy most of the lot. The existing garden will be maintained and protected from traffic and the adjacent parking area with a fence.</i></p>

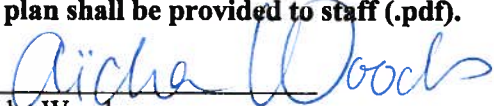
<p>e. <i>Hazard protection.</i> The proposed use shall not have a detrimental impact upon the use or peaceable enjoyment of abutting or nearby properties as a result of vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, noise, glare, hazardous material use, storage, transportation or disposal, or similar conditions.</p>	<p><i>No hazardous materials will be stored on-site. No vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, or glare is expected. Limited noise will most likely be generated during construction.</i></p>
<p>f. <i>Historic preservation.</i></p>	<p><i>N/A No historic structures on site</i></p>
<p>g. <i>Design and architectural compatibility.</i> The operational and physical characteristics of the special permit shall be compatible with the surrounding area and the neighborhood in which it is proposed. Site design and architectural features which contribute to compatibility include, but are not limited to, landscaping, drainage, access, and circulation, building style and height, bulk scale, setbacks, open areas, roof slopes, building orientation, overhangs, porches, ornamental features, exterior materials and colors.</p>	<p><i>No changes to the exterior of the building are proposed. Proposed site use and development is compatible with the surrounding area and the neighborhood.</i></p>
<p>h. <i>Property values.</i> The use and site design shall not have a detrimental effect on the property values in the surrounding area.</p>	<p><i>The proposed use is not anticipated to have a detrimental effect on surrounding property values.</i></p>
<p>i. <i>Traffic impact.</i> The applicant shall demonstrate how the proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation on, adjacent or nearby the site. The Commission may require a traffic impact study be submitted to it by the applicant for any special permit use of land. The study shall consider traffic patterns and adequacy of proposed off-street parking and loading resulting from the proposed development.</p>	<p><i>Traffic will enter the site via existing curb cuts on Whalley Avenue and Tour Avenue and exit the site via an existing curb cut along West Rock Avenue. Directional arrows will be added to the existing parking area to improve traffic circulation on the site. Traffic will not significantly differ from current usage of roads.</i></p>

CONDITIONS OF APPROVAL:

The conditions of approval of the Special Permit under §64 and §43(k)(12) of the New Haven Zoning Ordinance for a proposed use of more than 5,000 SF are as follows:

- 1. Special Permit must be filed on the land records of the City of New Haven before issuance of building permits. A digital copy of the recorded site plan shall be provided to staff (.pdf).**

ADOPTED: April 17, 2019
Leslie Radcliffe
Vice Chair

ATTEST: 
Aicha Woods
Director, City Plan Department