

NEW HAVEN CITY PLAN COMMISSION PLANNED DEVELOPMENT ACTION

NEW HAVEN CITY PLAN COMMISSION SITE PLAN REVIEW

RE: 396-400 BURR STREET, PDU # 108, Minor Modifications to Detailed Plans and Site Plan for Phase I Construction of Units 5-9 (Owner/Applicant: Glen Meadow Realty LLC).

REPORT: 1431-04

ACTION: Approval with Conditions

CONDITIONS OF APPROVAL

1. The applicant shall record on the City land records an original copy of this report (to be provided by the City Plan Department) and shall furnish written evidence to the City Plan Department that the document has been so recorded (showing volume and page number).
2. The access drive shall remain a private drive in perpetuity. Snow and trash removal, maintenance of the private drive, drainage, utilities unless otherwise maintained by the respective utility providers, and retaining walls in the common area shall be the responsibility of the condominium association.
3. City Engineer shall review plans and determine if other measures than those shown shall be required, particularly regarding stabilization of steep slopes.
4. Previous PDU, Site Plan and Detailed Plan Conditions shall remain in effect.

Submission: Request for Modification from Attorney Carolyn Kone 07/30/09, revised exterior building elevations and sections, updated As-Built Site Plan 07/13/09, Grading Plan 08/17/09, Landscaping Plan 08/17/09 all by Godfrey-Hoffman; 3 Sheets building elevations and sections 8/18/09 by Ronald Zocher, BZA Decision letters, FAA Determination of No Hazard to Air Navigation 01/12/07; Fee of \$55. List of Changes from C. Kone 8/11/09 (see page 4), Exhibits 1 through 16 submitted by applicant 8/19/09, Letter from Alderwoman Arlene Depino 08/19/09, Letter from Attorney Kone 08/19/09,

PROJECT SUMMARY

Project Name: Burwood Hill PDU #108

Use: 9 Lot Single-family development: 8 additional structures with attached garages and basements (Lot 4 construction complete, Phase I: 5 houses on Lots 5,6,7,8,9; Lots 1,2,3 to be devoted to open space in perpetuity)

Site: 147,881 SF (3.39 acre) site bounded by Burr Street between Dodge Avenue and Holmes Street and adjacent to Raynham Hill Condominiums (PDD #48)

Zone: PDU, RS-2

Financing: Private

Project Cost: \$850,000 approximate

Property Owner: Glen Meadow Realty, LLC (Herman Dostie) 203-772-5481

Architects/Designers: Ronald E. Zocher Architect New Haven, CT (landscape, house design and renderings);

Engineer: Godfrey-Hoffman Associates, LLC 203-248-4217

City Lead: Karyn Gilvarg, City Plan Director 203-946-6379

BACKGROUND

Previous relevant Actions of the Commission: Special Exception for PDU approved with 9 conditions (CPC 1348-18, 02-19-04); Extension of Time to submit Detailed Plans (1388-04, 05-03-06); Special Exception for PDU clarification (1396-11, 12-13-06: no advice given). BZA granted variance from Section 4-4 and modifications and clarifications to PDU 01/29/07 (06-152-S & 06-153-V). Applicant consented to time extension to 2/21 on 01/17/07; Additional time extension granted to 2/28 on 02/02/07. Site Plan Review including Soil Erosion and Sediment Control Review and Detailed Plan Review for Construction of Phase I (CPC 1398-11, 02/28/07). Modification by BZA of PDU to provide that Units 1-3 would be devoted to open space, 7/10/07.

Purview of the City Plan Commission: Changes to detailed plans for a planned development are authorized under Section 65(e)(1) of the Zoning Ordinance. The Commission may review changes and determine they are acceptable in that they are consistent with the application and general plans for the PDU approved by the BZA

and meet the objectives of Section 65(a) or they may determine that the changes are not consistent with the general plans and application approved by the BZA, in which case the applicant would have to apply to the BZA for a modification of the approved application and general plans. The City Plan Commission may modify the approved Site Plan as long as the changes are consistent with the zoning regulations.

Section 65. Planned developments.

(a) *Objectives.* The provisions of this section are to be applied in instances where tracts of land of considerable size are developed, redeveloped or renewed as integrated and harmonious units, and where the overall design of such units is so outstanding as to warrant modification of the standards contained elsewhere in this ordinance. A planned development, to be eligible under this section, must be:

- (1) In accordance with the comprehensive plans of the city, including all plans for redevelopment and renewal;
- (2) Composed of such *uses*, and in such proportions, as are most appropriate and necessary for the integrated functioning of the planned development and for the city;
- (3) So designed in its space allocation, orientation, texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the city; and
- (4) So arranged as to provide a minimum of 250 square feet of *usable open space* per *dwelling unit* on the tract, except 125 square feet in the case of *elderly housing units*, subject to the specific minimum standards enumerated in section 15(a)(1)g. of this ordinance.

(e) *Subsequent performance.* All official zoning maps shall carry a notation of the location and boundaries of any planned development approved as above, giving a reference to a file in which full information concerning the provisions applying to the same may be found.

(1) After the approval of the Application and General Plans, the applicant shall file detailed plans for review by the City Plan Commission, showing the details of the proposed development as fully as possible and including elevations and perspectives of proposed construction. If the applicant later wishes to change any of the details of the proposed development, further detailed plans shall be filed for review by the City Plan Commission. No building permit for the proposed development or any part thereof shall be issued until the City Plan Commission has determined that the pertinent Detailed Plans are in accordance with the Application and General Plans as approved and with the objectives stated in subsection (a) above.

Proposed Activity: Glen Meadow Realty LLC requests modification of Detailed Plan and Site Plan approvals for Phase I of 396-400 Burr Street to acknowledge minor changes in the plans which have been made primarily due to field conditions discovered as the project has been under construction.

The minor modifications include slight variations in finished floor elevations and peak height of the buildings, changes in roof pitch on all 5 units, minor changes in the building exterior elevations, elimination of and changes to certain retaining walls, and elimination of chimneys except for on Building #8, where the chimney will not be located higher than the peak of the house. "Less than minor" changes previously approved in the field by city staff (minor changes in the grading plan and positioning of buildings) are also documented here under this approval. *See list on page 4 for minor changes.*

The changes, particularly those in finished floor elevations, were the result of difficult site conditions. The site is rocky and has a great deal of ledge, particularly in the location of Unit #8. While blasting was an approved method of preparing the site for construction, the developer elected to avoid blasting so as not to risk disturbance of the foundations and utilities of the adjacent Raynham Hill condominiums (particularly Units 104-107), and a more conventional method of chipping the rock formations was utilized.

Although the finished floor elevations were changed, the heights of the structures were minimized by reducing the heights of the first and second floors, each by 1', by changing the roof pitches from 12/12 to 9/12 which reduced the roof heights by approximately 2.5' and by eliminating the chimneys.

Consistency with approvals: The applicant states that the modifications are in keeping with the Board of Zoning Appeals approval of a Special Exception for Application and General Plans for a Planned Development Unit in 2004, and a height variance pursuant to Section 4-4 of the General Code of Ordinances granted by the

BZA in 2006 along with a clarification of the earlier approvals. They are keeping with the Site Plan and Detailed Plan approvals granted by the City Plan Commission. Additionally the modifications are consistent with the Federal Aviation Administration's "Determination of No Hazard to Air Navigation" for each of the buildings. Due to the project's location within proximity of Tweed New Haven Airport, each building was given a maximum height above ground level and mean sea level by the FAA. In each case "the aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities".

Height summary: Comparative height tables are provided on pages 5 and 6 and are hereby incorporated into this report.

PLANNED DEVELOPMENT AND SITE PLAN FINDINGS

The changes to the project comply fully with the City of New Haven Zoning Ordinance and are in accordance with the application for the Planned Development Unit as amended and the general plans as amended.

The changes are in accordance with the comprehensive plans of the City. There are no changes in uses proposed. To the extent that there are minor changes in the proportions of the uses, such proportions are appropriate and necessary for the integrated functioning of the planned development of the City. The changes with respect to space allocation, orientation, landscaping and other features produce an environment of stable and desirable character, complement the design and values of the surrounding neighborhood and together with the features that are unchanged show such unusual merit as to reflect upon the city. There are no changes in the project meeting the minimum amount of open space provided, and additional open space is being provided for units 4-9, because units 1-3 have been dedicated to open space in perpetuity.

The changes to the elevations comply fully with the height variance granted by the BZA under Section 4.4 of the General Ordinances for the project. Each of the units is below the 25' height limit using the definition of height under the City's zoning ordinance.

The changes to the finished floor elevations comply fully with the determinations of no hazard for the units by the Federal Aviation Administration. Each unit is significantly below the FAA approved maximum height of the structure above ground level and is below the FAA approved maximum height of the structure above mean sea level.

The changes to the elevations comply fully with the General Plans for the Planned Development Unit. Each of the units is below the height of 30' permitted by the general plans when the height of the units is measured using the definition of the height under the City's Zoning Ordinance.

The changes to the project overall are minimal and reduce the impact on the site. The changes reduce the impact of the changes in grade, help to integrate the homes into the natural aspects of the site, maximize privacy for the homeowners and neighbors, and result in a more attractive design solution.

ACTION

The City Plan Commission finds the Minor Modifications are consistent with the approved Site Plan, with the Board of Zoning Appeals approvals, including the PDU application and general plans and with the FAA "Determination of No Hazard to Air Navigation". The Commission hereby approves the Minor Modifications with the Conditions on Page 1.

ADOPTED: August 19, 2009
Edward Mattison
Chair

ATTEST: _____
Joy W. Ford
Planner

LIST OF CHANGES

1. Unit #5 - retaining walls in front of house and to the right of the house (facing the house) were eliminated - approved administratively on 9/26/08.
2. Unit #5 - relocation of garage from south to north – approved administratively 9/26/08
3. Unit #5 - elimination of retaining wall in front and to the side of the house - administratively approved 9/26/08
4. Unit #6 - footprint of house similar to footprint for Unit #7 – approved administratively - 9/26/08
5. Unit #6 - house has been reoriented – approved administratively -9/26/08
6. Unit #6 - garage moved to north - approved administratively -9/26/08
7. Unit #6 - revision to retaining wall – approved administratively - 9/26/08
8. Unit #7 - revision to retaining wall –approved administratively - 9/26/08
9. Units #s 6 and 7 - decks will be constructed to the rear of the units rather than retaining walls
10. Unit #8 -one retaining wall has been eliminated and rear wall foundation serves in part as retaining wall; one shorter wall is to retain the ground at the current excavation edge which is 12' from the property line.
11. Unit #8 - small wall proposed on the west side of garage has been eliminated through grading
12. Unit #8 - cut away from grade in front of house to allow front to have windows in lower level
13. Unit #8 – raised garage elevation to 149 from 146.6
14. Unit #8- added finished space (room over garage)
15. Unit #9 - garage moved from south to north – approved administratively - 9/26/08
16. Roof pitches of all units changed from 12/12 to 9/12. 1st and 2nd floors each lowered by 1'.
17. Finished floor elevations of all units changed, but overall heights of buildings, heights above mean sea level, and heights above ground level are less
18. Chimneys eliminated on all units - there may be a chimney over the roof of the garage for unit #8 if wood burning stove requested.

Additionally, the shoulder along the road has been increased by 20' and a planted berm will be substituted for the wooden fence along the road side.

Consistency with Federal Aviation Administration Determinations

Unit #	FAA Approved Maximum Height of Structure (agl)	Actual Maximum Height of Structure measured from finished floor elevation (agl*) from As-Built Drawing	Difference (agl)	FAA Approved Maximum Height of Structure above mean sea level (amsl)	Actual Maximum Height of Structure (building peak height) from As-Built Drawing (amsl**)	Difference (amsl)
5	30'	23.2'	-6.8'	162'	156.9'	-5.1'
6	30'	22.2'	-7.8'	182'	167.7'	-14.3'
7	30'	22.2'	-7.8'	178'	168.7'	-9.3'
8	30'	23.2'	-6.8'	184'	180.5'	-3.5'
9	30'	22.7'	-7.3'	174'	167.1'	-6.9'

* above ground level

** above mean sea level

Consistency with BZA Height Variance

Unit #	Permitted Height of Building	Actual Height of Building calculated under the Zoning Ordinance	Difference	Permitted Height of Chimney	Actual Height of Chimney	Difference
5	25'	22.9'	-2.1'	5'	0'	-5'
6	25'	23.5'	-1.5'	5'	0'	-5'
7	25'	23.5'	-1.5'	5'	0'	-5'
8	25'	21.6'	-2.1'	5'	N/A – chimney is placed on the roof of the room over the garage and is lower than peak of house.	N/A
9	25'	22.9'	-2.1	5'	0'	-5'

Consistency with BZA Approved General Plans

Unit #	Approved Highest Site Elevation (amsl) (Sheet 2 of 2 revised 10/19/06)	Actual Finished Floor Elevation (amsl) (from As-Built Drawing)	Difference	Approved Height of Structure (Sheet 2 of 2 revised to 10/19/06)	Actual Height of Structure Under Section 1 of the Zoning Ordinance	Difference	Approved Highest Point of Structure (amsl) (Sheet 2 of 2 revised 10/19/06)	Actual Highest Point of Structure (amsl) (As Built Drawing)	Difference (amsl)
5	132'	133.7'	+1.7'	30'	22.9'	-7.1'	162'	156.9'	-5.1'
6	152'	145.5'	-6.5'	30'	23.5'	-6.5'	182'	167.7'	-14.3'
7	148'	146.5'	-1.5'	30'	23.5'	-6.5'	178'	168.7	-9.3'
8	154'	157.3	+3.3'	30'	21.6'	-8.4'	184'	180.5'	-3.5'
9	144'	144.4'	+.4'	30'	22.9'	-7.1'	174'	167.1'	-6.9'