

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: ZONING ORDINANCE MAP AMENDMENT, Petition to Amend Zoning Ordinance Map (Grid #16) to change the Designation of 40 Sargent Drive (approximately 13.1 acres) from Light Industrial (IL) to General Business (BA) (Petitioner: 40 Sargent Drive LLC).

REPORT: 1467-07

ADVICE: Approval

BACKGROUND

The subject property is located in the Long Wharf area on Sargent Drive, and between Hallock Street and Long Wharf Drive in an IL (Light Industrial) district. Sargent Drive is adjacent to I-95. 40 Sargent Drive LLC is proposing to change the existing Light Industrial (IL) Zoning District to a General Business (BA) District on the property at 40 Sargent Drive. Since 1981, the 193,000 SF structure on the property has been used as a printing plant with accessory offices for *The New Haven Register*. The IL District permits light industrial uses, heavy commercial uses, package stores, gun shops (by Special Exception), adult entertainment establishments (by Special Exception), adult businesses, car repair and used car sales, home improvement companies, sales of business goods, and self-storage facilities. The IL District does not permit offices, retail establishments, grocery stores, hotels, health clubs, personal services, such as barber shops, dry cleaners, etc., doctor's offices, and similar uses.

The applicant notes in their petition to the Board of Alderman that this request is related to current the lack of demand for industrial use in the vicinity of the 40 Sargent Drive property and the belief that the property is best suited for some type of retail development. It is asserted that neighboring landowners whose properties are also in the same IL district have secured zoning relief or adjustment to allow for a variety of BA uses such as offices, hotels and retail (see examples in following section).

EXISTING ZONING (IL) CONSIDERATIONS

The IL district in which the property is located permits industries and business uses which "generally support and are integrated with industrial uses permitted in this district." (Section 41 of the Zoning Ordinance). Although numerous properties in the vicinity of the subject property are in the IL district, such parcels not used for industrial purposes but rather are used for offices, retail stores, and similar uses. For example, the property directly adjacent to the Register property, 60 Sargent Drive is currently used for Gateway Community College (which will move downtown soon) and the property located to the east of Gateway Community College (90 Sargent Drive) is used as the headquarters of the Regional Water Authority. The property located directly north of the subject property is zoned as a planned development district ("PDD") and is used for a hotel (3 Long Wharf Drive), and the property directly north of the hotel (1 Long Wharf Drive), although also part of the IL district, has received numerous zoning variances over the years, including a variance that permits all uses allowed in the BA (General Business) district with the exception of medical and law offices. This property has also received two variances to permit medical offices and is used primarily for medical clinics and offices.

Other zoning districts located adjacent to the subject property are a RM-1 (Low-Middle Density) district located along the western border of the property and a Park district located to the southwest of the property. Further east of the property is a BA district where a hotel and a gas station are located (400 Sargent Drive), a BE (Wholesale and Distribution) district where Long

Wharf Theater and Brazzi's restaurant are located, and a PDD, where the Ikea home furnishings store is situated.

Recent capital improvements of note in the vicinity of the subject property are the Church Street South bridge, which provides accessibility between the Long Wharf area and downtown New Haven and the train station, as well as improvements to I-95 and the proposed boathouse at Canal dock which will provide a recreational and educational facility.

PLANNING CONSIDERATIONS

The petition seeks a rezoning of the subject property from IL to BA. The predominant purpose of all of these functions is retail trade." Section 41. Additionally, offices, residential uses permitted in the RM-2 (High-Middle Density) district, hotels, personal services, restaurants, recreational destinations, and similar uses are allowed in the BA district.

It is clear that because of the limited demand for industrial development in the Long Wharf area, properties in the IL district proximate to the subject property have in effect been "rezoned" through the granting of use variances and PDDs to permit the types of uses that are allowed in the BA district but are not otherwise permitted in the IL district. A map amendment for the subject property to allow commercial and residential uses not permitted in the IL district and for which there is a demand in this area of New Haven is a more appropriate planning tool than the use of variances or even a PDD, which is not suitable where there is a routine need for zoning use relief, but the development is not necessarily of the character that meets the criteria under Section 65 of the Ordinance. This petition may be an appropriate first step in what might possibly become a rezoning of a wider area of the Long Wharf area to conform to the market demand. Moreover, the applicant has represented that if the property is not rezoned, this large property could remain vacant for a substantial period of time, which is not in the interests of the welfare of the City.

Finally, the Commission notes, as stated above, that the subject property is located adjacent to a RM-1 district. BA uses, which include residential use, are more compatible than the industrial uses permitted in the IL district with this adjacent district. Moreover, the transitional standards of Section 47, if applied appropriately, should effectively mitigate the impact of retail use upon adjacent residential areas.

PUBLIC HEARING: At the June 20, 2012 Public Hearing, Zoning Director Tom Talbot introduced the matter describing the use within the proposed zone map change area and the surrounding areas. He questioned the applicant for clarification as to whether the driveway exiting to Hallock Street was owned by the Register and part of the proposal. Joe Miller, Vice President for Real Estate for the Register, said this was believed to be a City road. Attorney Carolyn Kone representing the New Haven Register said they would look into it further. She introduced representatives from the *Register* and Joe Balskus, Traffic Engineer from Tighe and Bond, and reviewed how the zone change met the standards of Section 64d.2. and Charter Sections 181 and 182. She gave a brief history of previous uses of the property and surrounding properties and how BA was an appropriate zone for the site. She noted meetings with and presented letters of support from Alderwoman Dolores Colon and Representative Juan Candelaria who supported the change, the Hill South Management Team and Kampton Singh. Tom Wiley, Publisher, New Haven Register, distributed a PowerPoint and said the building at 40 Sargent Drive was 80% vacant and was no longer practical for his company where the printing facilities had been consolidated to Hartford and the remainder of the operation was intended to be moved to Downtown in a new focus on digital media. The outmoded building was therefore for sale and the interest seemed to be from retailers and not industrial concerns, hence the reason for

the proposed zone change. In order to reinvest in a new downtown location, the sale of the 40 Sargent Drive property was imperative. The goal was to sell the building to a single retailer. Speakers were Carlos Eyzaguirre, Business Development Director for Economic Development Corporation, who strongly supported the application submitting a letter and noting the applicant had reached out to the Hill Aldermen, Representative Juan Candelaria, Long Wharf Business Association, Hill South Management Team and Kampton Singh, non-profit housing developer. Several editors Chris March and Angi Carter offered to give testimony about the new downtown use but were told by the Chair it was not germane to the zone change on Long Wharf.

FINDINGS

Section 64(d)(2) of the New Haven Ordinance requires that the City Plan Commission take into consideration in evaluating any amendment to the Zoning Map.

a. Errors in the existing ordinance, changes that have taken place in the city and in patterns of construction an land use, the supply of land its peculiar suitability for various purposes, the effect of a map change on the surrounding area, the purposes of zoning and the comprehensive plan of the City of New Haven:

The applicant has demonstrated to the Commission that the property at issue should be rezoned to the BA district. Significant change has taken place have taken place in the decades since this property (and surrounding area) was originally zoned for industrial use, resulting in a general lack of demand for industrial properties in the City. Additionally, because of the proximity of Sargent Drive to I-95, this area has become attractive for commercial and office uses that serve the region, such as some of the medical clinics located at 1 Long Wharf Drive, Long Wharf Theater, the IKEA store, and hotels. Rezoning the subject property to BA is consistent with these patterns of land use as well as the peculiar suitability of the subject property for the uses permitted in the BA zone, given its size. Further, the map change is compatible with both the commercial and residential uses in the surrounding area and with the purpose of zoning which is to divide the City into appropriate zoning districts. Finally, the map change being requested is in conformity with the comprehensive plan of the City of New Haven dated October 15, 2003. By providing opportunities for the types commercial and/or residential uses that are permitted in the BA district, the map amendment will promote job creation and business investment in the Long Wharf area, which is one of the objectives of the comprehensive plan.

b. Whether some other method or procedure under the zoning ordinance is more appropriate:

A map amendment which would allow the types of uses for which there is a market demand on the subject property and which are compatible with the surrounding area is the most appropriate method for responding to the changes in land use on the subject property and its neighboring properties.

c. In the case of a map change, the size of the area involved. As a general policy, the City Plan Commission shall not consider favorably any petition which would result in a total contiguous area (separated only by streets, and excluding the area of the streets) of less than two acres in the case of a residence district, less than one acre in the case of a Business District, or less than four acres in the case of an Industrial District.

The area of the current proposal is over 13 acres and is therefore large enough for a business district.

In consequence of the above, the following findings are made in accordance with Sections 181 and 182 of the Charter of the City of New Haven:

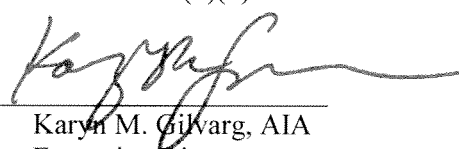
The City Plan Commission finds that the proposed map amendment complies with Sections 181 and 182 of the Charter of the City of New Haven in that it is (i) uniform for each class of buildings or structures, (ii) made in accordance with the comprehensive plan, (iii) designed to lessen congestion on the streets (in that there will be fewer trucks resulting from a business or residential use and less 24 hour traffic), secure safety from fire, panic and other dangers and promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate the adequate provisions for transportation, water, sewage, parks and other public requirements, and (iv) made with reasonable consideration as to the character of the BA district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

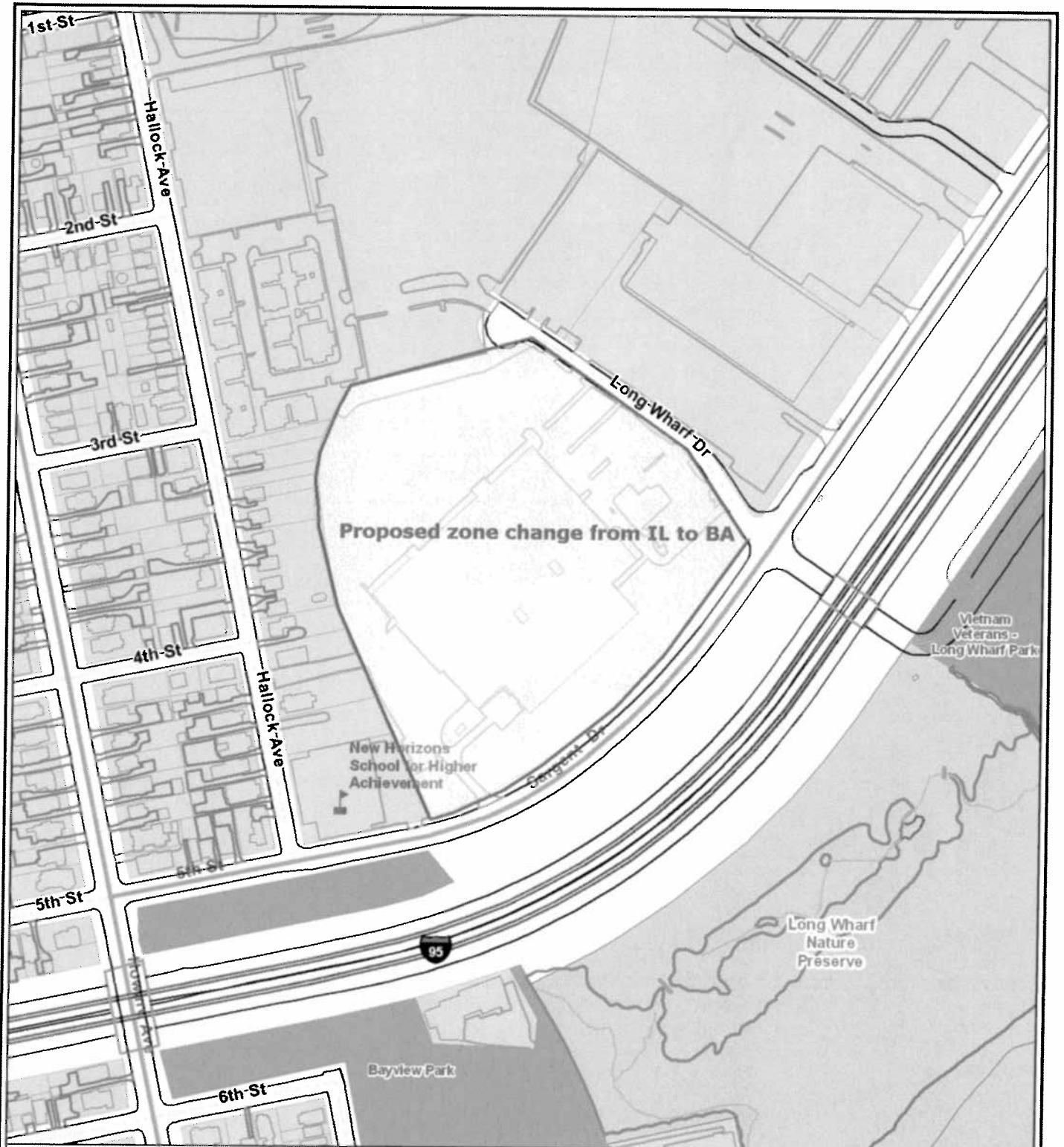
RECOMMENDATION


Based on all of the above, it is the recommendation of the Commission that the proposed map change (Schedule C attached) is in full compliance with the standards and requirements of Sections 181 and 182 of the Charter of the City of New Haven and Section 62(d)(2) of the New Haven Zoning Ordinance and should be approved.


ADOPTED: June 20, 2012
Edward Mattison
Chair

ATTEST:


Karyn M. Gilvarg, AIA
Executive Director




 City of New Haven, Connecticut
 John DeStefano Jr., Mayor

- | | | |
|---|--|---|
|  | Waterway
--- Lake - Pond
--- River
--- Shoreline
--- Stream
--- Wetland
■ Parcel
--- City Boundary Line
Schools
■ Administration
■ Food Service
■ Private School
■ Public School
■ Fire Station
■ Police Station
■ PD Headquarters
■ Substation
■ Health Centers
■ Hospital
■ Library | Railroad
--- Railroad Track
--- Abandoned Railroad Track
--- Airport Runway
--- Parcel Line_2005
Parks
■ Park
■ Triangle
■ Golf Course
■ Land Trust Preserves
■ Airport boundary
■ Shoreline |
|---|--|---|

This map is intended for illustrative and Community-Based Planning processes. Every reasonable effort has been made to assure the accuracy of the map and data provided; nevertheless, some information may not be accurate. The City of New Haven assumes no responsibility arising from the use of this information.

No warranty is made by the City of New Haven as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data compiled from various sources. Spatial information may not meet national map accuracy standards. This information may be updated without notification.

Scale: 1" = 284 ft

Created: June 15, 2012



40 Sargent Drive Zone Change

Produced by the
Office of Information Technology
Geographic Data Viewer