

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **ZONING MAP AMENDMENT**, Change Zone of **137 & 141 EXCHANGE STREET AND A PORTION OF 184 GRAND AVENUE** from Low-Middle Density Residential (RM-1) to Business A-1 (BA-1) (proposed by Alderman Ernie G. Santiago). *Revised communication*

REPORT: 1471-08

ADVICE: Approval of Amended Petition and Substitute Order (attached Schedule A)

BACKGROUND

Alderman Ernie G. Santiago (Ward 15) has submitted a proposed Zone Map change to the Board of Aldermen for several parcels on Exchange Street in Fair Haven. His original petition proposing to change the zoning of 137 Exchange Street (MBL 163/0742/01500) and 141 Exchange Street (MBL 163/0742/01600) was amended to include a portion of the large parcel at 184 Grand Avenue (MBL 163/0742/02200) (approximately 69 feet by 105 feet fronting on Exchange Street). The original petition suggested a change to BA; however the Petition as amended proposes a change from Low Middle Density Residential (RM-1) to General Business 1 (BA-1). The parcels, located on the north side of Exchange Street between Ferry Street and East Pearl Street, are actually in Ward 14, which is represented by Alderman Gabriel Santiago. There has been no communication from Alderman Gabriel Santiago on this matter to City staff or the Board; however Alderman Ernie Santiago has attended Fair Haven Community Management Team meetings to discuss the proposal as well as meetings with City staff and the property owners. Two of the parcels, currently occupied by multi-family structures, are directly east of the third parcel; a sixty-nine (69) foot wide by one hundred and five (105) foot deep portion of the larger parcel that houses C-Town Market, 184 Grand Avenue. The area of that parcel proposed for re-zoning is currently used as parking for the shopping center which includes the local grocery, as well as several other retail businesses including a Dunkin' Donuts and a pharmacy. There is no curb cut from the shopping center on to Exchange Street. Exchange Street in the vicinity is largely residential, with the exception of the commercial parcels at Ferry Street which are zoned BA-1; the southern corner has an automotive use, while the northern one is multi-family residential. Just east of the area proposed for re-zoning there is a multifamily house, then the rear yards of the Fair Haven Branch of the New Haven Free Public Library and the Fair Haven Pre-K to 8 School.

PLANNING CONSIDERATIONS

The immediate neighborhood to the north of the Exchange Street parcels is a commercial corridor along Grand Avenue, zoned BA-1 and flanked by residential neighborhoods to the immediate north and south. The three parcels concerned lie within the Quinnipiac River National Register District, to the west of the Local Historic District. The two eastern most parcels (137 & 141) contain multi-family residential structures from the 19th century. 137 Exchange Street is individually listed on the New Haven Historic Resources Inventory (form # 1331). Exchange Street in this area is a narrow two-way street with parking on one side. Traffic is occasionally impeded and sometimes stopped by the school busses accessing the rear of the adjacent Fair-Haven K-8 School, where there is a pull-off for busses. Occasionally overflow busses wait on street.

Alderman Ernie Santiago attended a Fair Haven Community Management Team meeting on October 4, 2012 where the proposal was discussed. No action was taken by the Management team.

The owners of all three of the properties proposed for re-zoning, Grand Street Realty Company LLC, have met with City Plan Department and Economic Development staff, and explained their reasons for requesting the zone change. The C-Town market and the shopping center are busy, however certain types of goods are lacking in the Grand Avenue shopping district; they gave home improvement goods (such as are sold at a Home Depot) as one example. They believe there is a market for additional goods in the immediate neighborhood, and room in the shopping center for additional commercial space if the footprint is expanded.

The area is well served by transit, as the D bus has frequent service along Grand Avenue. Given the linear nature of the Grand Avenue commercial area it is convenient to walk from neighborhoods on both sides of the avenue, where a variety of goods are found.

There are several technical concerns with the Order as submitted:

1) The Order as originally submitted was for a change from RM-1 to BA. The abutting BA zone was changed to BA-1 in 2010, and the order as originally worded would create a BA zone of less than 2 acres, non-compliant with the New Haven Zoning Ordinance which requires a minimum of 2 acres for a separate zone. Therefore the petitioner has amended the request to change to BA-1 by communication to the Board of Aldermen, and the Commission respectfully suggests the following Substitute Order as Attachment A.

Public Hearing: At the November 20, 2012 meeting, the matter was postponed at the request of Alderman Ernie Santiago. When the hearing was called to order on December 19, 2012 City Plan Director Karyn Gilvarg presented the matter to the Commission, noting the original petition had been modified to include a portion of 184 Grand Avenue, the adjacent parcel to the west. The revised petition proposed the change of the three parcels all under the same ownership from RM-1 to BA-1. She described the block of Exchange Street as one with residential use although the sites for Fair Haven Library and Fair Haven Middle School which fronted on Grand Avenue backed up to Exchange Street. The parcel at the corner of Exchange and Ferry Streets had previously been rezoned to BA-1 and staff's recommendation was to straighten out some split zoned parcels to include them in the BA-1 zone to potentially serve the growth of the commercial center.

Alderman Santiago noted the two houses at 137 and 141 Exchange Street were in poor condition and would be expensive to rehabilitate. He noted they were seeking a good retailer such as Ace Hardware to locate there and bring new business and jobs to the area. There would be no new curbcut off Exchange Street. He said he had invited neighborhood people to a management team meeting but only three persons had attended. As far as he knew the team supported the idea of the zone change. Marcos Paulino, owner of the three affected properties (and owner of the businesses at 184 Grand Avenue including the C-Town Market and shopping center) said the residences were occupied now and he would take his time to find the right retailer.

Michael and Jeannine Graham, 130 Exchange Street, noted they had received no communication about the management team meeting and had health, traffic and safety concerns about the

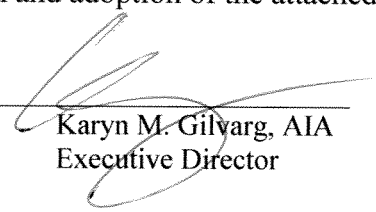
properties which were poorly maintained and impacting other properties, including #131 and properties on the opposite side of Exchange Street. Demolition of the properties would take away from the residential feel of the neighborhood. Mr. Paulino said he could work with the neighbors to make the situation better. Ms. Graham was opposed to the expansion of the commercial zone which would result in more traffic due to more retail business. Alderman Marchand noted the City Plan hearing was the first step in a process where there were further hearing opportunities. He reiterated the Graham's concerns.

ADVICE

The Commission finds that the proposed zoning map amendment is consistent with the Comprehensive Plan of Development and is appropriate given the character of both the surrounding neighborhood and the subject properties themselves, and given the need to ensure the continued viability of the existing neighborhood business district. The Commission further finds the proposed amendment is in the public interest and promotes the health, safety and general welfare of the community without unreasonable limits on land use. The Commission therefore recommends approval of the amended petition and adoption of the attached Substitute Order (Schedule A).

ADOPTED: December 19, 2012
Edward Mattison
Chair

ATTEST:


Karyn M. Gilvarg, AIA
Executive Director

SUBSTITUTE ORDER

ZONING ORDINANCE MAP AMENDMENT TO CHANGE THE RM-1 DESIGNATION OF THE PROPERTIES 137 EXCHANGE STREET (MBLU 163/0742/01500), 141 EXCHANGE STREET (MBLU 163/0742/01600), AND A PORTION OF 184 GRAND AVENUE (MBLU 163/0742/02200) TO BA-1.

WHEREAS, on September 11, 2012 pursuant to 1925 Special Act No. 490, Section 5, Section 184 of the Charter of the City of New Haven and Section 64(d)(1) of the Zoning Ordinance, Alderman Ernie Santiago, filed with the City Clerk for transmission to the Board of Aldermen a Petition requesting that the Board of Aldermen amend the New Haven Zoning Map to change the designation of certain parcels currently zoned RM-1 to be re-zoned; and

WHEREAS, on December 17, 2012 Alderman Santiago amended his petition to clarify that the parcels to be re-zoned included 137 Exchange Street, 141 Exchange Street and that portion of the parcel know as 184 Grand Ave that has frontage along Exchange Street for approximately sixty-nine (69) feet, to a depth of approximately one hundred and five (105) feet; and

WHEREAS, Alderman Santiago further amended his petition to state that the three parcels are to be rezoned from RM-1 to BA-1; and

WHEREAS, on September 19, 2012 pursuant to Section 184 of the Charter the Board of Aldermen referred the original petition to the City Plan Commission, and

WHEREAS, on December 17, 2012 the Board further referred the amended petition to the Commission; and

WHEREAS, on December 19, 2012 pursuant to Section 184 of the Charter, the City Plan Commission held a public hearing on the petition as amended after providing due notice of such hearing in accordance with the provisions of law; and

WHEREAS, the City Plan Commission deliberated on the matter, after considering public testimony and the factors set forth in Section 64(d)(2) of the Zoning Ordinance transmitting their recommendation to Board of Aldermen as Report No. CPC 1471-08 recommending Approval of the Amended Petition and Substitute Order; and

WHEREAS, the Legislation Committee of the Board of Aldermen, on _____ providing due notice held a public hearing on the Petition; and

WHEREAS, the Board of Aldermen finds that the Map Amendment to the Zoning Ordinance requested in the Petition as amended are in accordance with the Comprehensive Plan of the City of New Haven as such amendments will

encourage neighborhood commercial development in a walkable and transit-served area; and

WHEREAS, the Board of Aldermen further finds that the Map Amendment to the Zoning Ordinance requested in the Petition as amended are designed to lessen congestion in the streets, secure safety, promote health and the general welfare, provide adequate light and air, prevent overcrowding of land, avoid undue concentrations of population, provide adequate provision for all forms of transportation and other public requirements, reflect the character of the BA-1 districts and their peculiar suitability for uses allowed in such districts, conserve the value of existing buildings, and encourage the most appropriate use of land in the City;

NOW, THEREFORE, BE IT ORDAINED by the New Haven Board of Aldermen that the Zoning Ordinance of the City of New Haven is hereby amended to provide as follows:

1. That the zoning for the properties at 137 Exchange Street (MBLU 163/0742/01500), 141 Exchange Street (MBLU 163/0742/01600), and a portion of 184 Grand Avenue (MBLU 163/0742/02200) that fronts on Exchange Street be and hereby is amended from RM-1 to BA-1.
2. That the Zoning Ordinance is hereby ordered amended insofar (and only insofar) as specific deletions, additions, and changes are shown in this Amendment.

Except as amended herein, the Zoning Ordinance of the City of New Haven shall remain in full force and effect.

BE IT FURTHER ORDAINED that the said Amendment shall take immediate effect upon passage, subject to the requirements of Section 41 of the Charter of the City of New Haven.