

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: ZONING ORDINANCE MAP AMENDMENT, Amend Zoning Map (Grid #18) to change designation of a portion of land known as **130 AMITY ROAD** (M/B/P 431/1194/00200) and **BEE BEE ROAD**, a public City Street, from General Single-Family Residential (RS-2) to General Business (BA) (proposed by Wellmakera LLC).

REPORT: 1475-04

ADVICE: Approval

BACKGROUND

WellMakera LLC proposes to change from the existing General Single Family Residential (RS-2) to a General Business (BA) on approximately 7 acres located on the western portion of the 15.5 acre tract at 130 Amity Road. The balance of the property is currently zoned BA and is the site of the Amity Plaza. The Plaza was originally constructed in the early 1960's. Records indicate that it was built without knowledge of the fact that the western 7 acres of the site were then (as now) residentially zoned property. The portion of the plaza situated in the RS-2 includes the entire rear portion (including Stop and Shop) as well as about 25% of the northern portion of the plaza. Despite the obvious difficulties that this has on occasion has caused for the property owner, up to now no attempt has been made to rectify this error in the Zoning Map.

PUBLIC HEARING

At the March 20, 2013 public hearing Thomas Talbot, Deputy Director, Zoning, noted that the proposed map change was rectifying an administrative error which had existed for more than fifty years on the zoning map. The applicant had taken it upon himself to rectify the situation.

Attorney Anthony Avallone, representing the property owner, said the correction would simplify any future changes intended within the Amity Shopping Center.

Ms. Ford presented a letter from the South Central Regional Planning Agency finding the change "did not appear to cause any inter-municipal impacts ... nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound."

PLANNING CONSIDERATIONS

The proposed amendment seeks merely to establish in fact a boundary that has been assumed for more than fifty years. It will confer absolutely no additional advantage to the commercial use of the property at 130 Amity Road and will have absolutely no practical impact upon surrounding properties. It will, on the other hand, eliminate the unintended but nonetheless quite real difficulty that the current situation creates when attempts are made to introduce uses onto certain portions of the site that were clearly intended to be permitted by right but are technically prohibited.

In terms of the Comprehensive Plan of Development, it is stated that "It is the Commission's directive to elevate the quality of development in New Haven and to achieve a high standard of design, stewardship and environmental protection." In that this proposal may be viewed as a means by which to adjust for an administrative error and to permit the property to be utilized for what was clearly the intent of the City it could reasonably be viewed as an effective way by which "...to elevate the quality of development in New Haven."

SECTIONS(S) 181 and 182 OF THE CHARTER OF THE CITY OF NEW HAVEN

The City Plan Commission finds that, based on submitted information the proposed map amendment comply 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 in the streets, secure safety from fire, panic and other dangers, 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, sewerage, parks and other public requirements, and (iv) made with reasonable consideration as to the character of the proposed 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.

SECTION 64(d)(2)c OF THE NEW HAVEN ZONING ORDINANCE

Section 64(d)(2) 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 and land use, the supply of land and 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;

As indicated above, the sole purpose of this proposal is to rectify a 50 year old administrative error.

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

As above, examination of past land-use history in this area clearly indicates the appropriateness of the present course of action.


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 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 proposed Change will result in a 14.5 acre BA property with a 12 acre RS-2 property located to its southwest, creating no area related

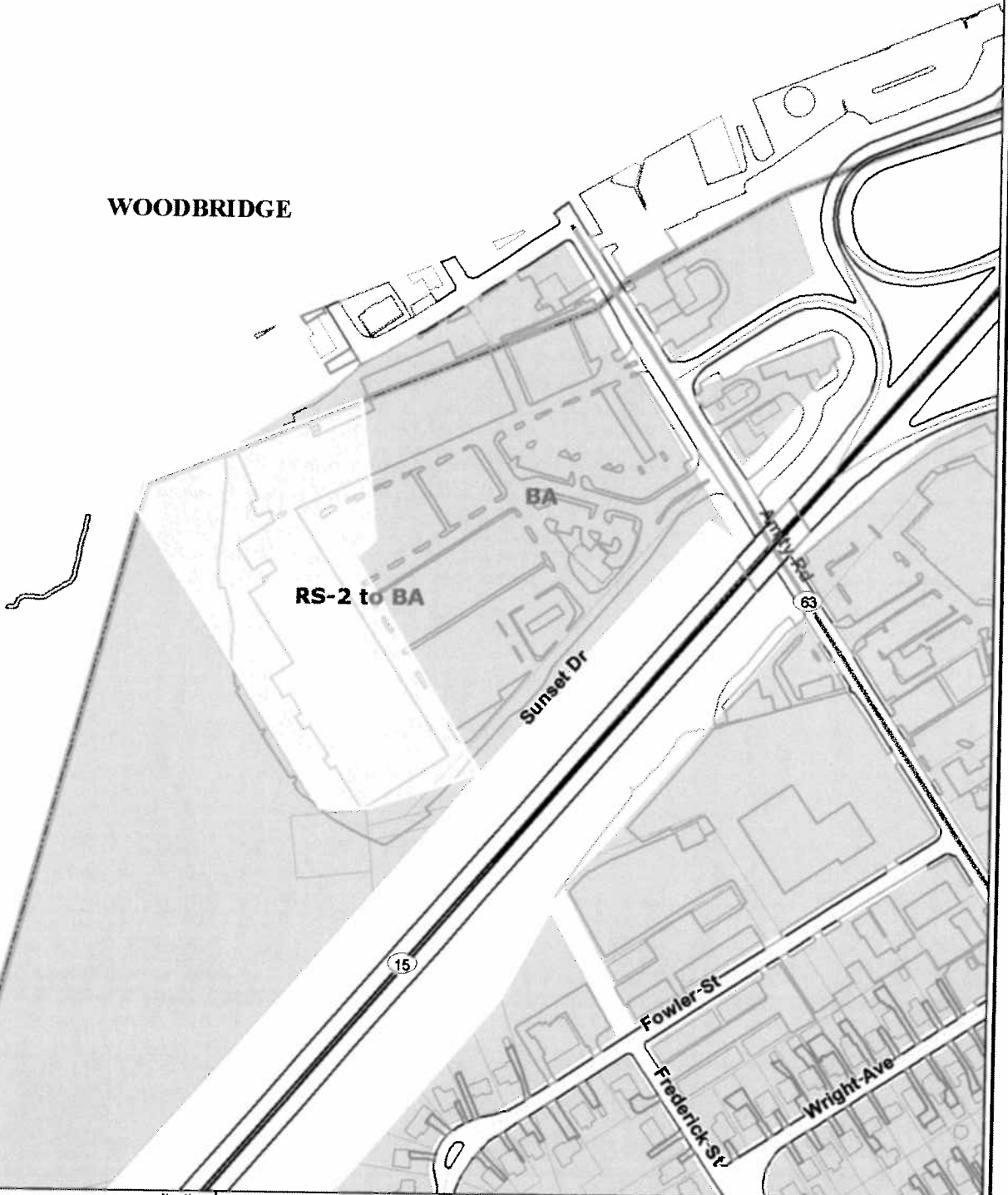
FINDINGS AND ADVICE

Based on all of the above it is the recommendation of the Commission that the proposed map amendment is in full compliance with the standards and requirements of Section(s) 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: March 20, 2013
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director

WOODBIDGE



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_2006
- 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" = 305 ft

Created: March 14, 2013



130 Amity Road RS-2 to BA

Produced by the
Office of Information Technology
Geographic Data Viewer

WOODBRIIDGE



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



130 Amity Rd

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Scale: 1" = 520 ft

Created: March 5, 2013

