

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **215 Whalley Avenue.** Special Exceptions to allow for transition parking and off-street parking spaces to be located within the required front yard setback. Zone: CGD/RM-2.
Owner/Applicant: Mid-Western Connecticut Council of Alcoholism, Inc. (23-20-S)

REPORT: **1630-20**

ADVICE: **Special Exception: Approve**

PRINCIPAL APPLICABLE REGULATIONS

Section 13(b)(3)c. Transition parking as follows: In any case in which a business, industrial or residence-office district or districts abut directly upon a residence district and adequate property for off-street parking is not available in such business, industrial or residence-office district, the use of property in such residence district up to a distance of 150 feet from a business, industrial or residence-office district may be permitted for parking of passenger automobiles of employees, visitors and/or customers in connection with uses in such business, industrial or residence-office district or districts, provided that, in addition to such other conditions and safeguards as are found appropriate under subsection 63.(d) of this ordinance.

Section 29(c): No parking space shall be located within any required front yard, except that: parking spaces (whether enclosed or not) may be permitted to be located within a required front yard by special exception under subsection 63(d) of this ordinance upon finding, among other things, that such parking spaces are necessary to the use with which they are connected, that they cannot be practically located elsewhere on the lot, that their location within a required front yard will not depreciate property values or cause vehicular or pedestrian traffic hazards or substantially decrease the open aspect of the street, and that such parking spaces are properly screened and otherwise arranged in accordance with the requirements of this ordinance.

Section 29(i): The Board of Zoning Appeals shall have the power to lessen the requirements of this ordinance as to the number of parking spaces required and/or increase the maximum allowable walking distance to such parking spaces, but only upon a finding that either particular circumstance or mitigative measures qualify such action. Particular circumstance may include, but not be limited to availability of public parking, proximity to public transit or significant levels of pedestrian access. Mitigative measures may include, but not be limited to van and/or car pooling, public parking validation programs, flexible work schedules or other transportation demand management measures. All deviations from normal requirements by means of this paragraph shall be considered as special exceptions under subsection 63(d) of this ordinance. In the case of any religious or educational institution or any hospital, which has an overall parking plan for all of its facilities which has been approved by the Board of Zoning Appeals, the limit of 300 feet walking distance shall not apply. Amendments to a parking plan that covers an area which include a planned development must be submitted for approval per section 65 of this ordinance. All deviations from normal requirements by means of this subsection 29(i) shall be considered special exceptions under subsection 63(d) of this ordinance, and the Board of Zoning Appeals may impose time limits where it finds that the continued adequacy of such other parking standards cannot be fairly predicted.

Section 63 (d) - The Board of Zoning Appeals may grant a Special Exception if the proposed use is in accord with the public convenience and welfare, and may attach conditions and safeguards deemed necessary to protect the neighborhood.

Section 63. (d)(6)

In the following types of special exception cases, which involve more than conventional questions of use and may have a significant impact on surrounding areas and a substantial relationship to the comprehensive plan of the city, the Board of Zoning Appeals shall, following its hearing, refer the case including all exhibits to the City Plan Commission, which shall submit an advisory report, on such factors as it may deem relevant, to the Board within 30 days after receiving all records and documents in the case. This report of the City Plan Commission shall be taken into account in the decision of the Board.

c. Transition parking in residence districts: subsection 13(b)(3)c. and regulations of other residence districts.

f. Adjustment for parking and loading requirements: subsections 29(c); 29(h)(2); 29(i); 45(a)(6)b,; 45(a)(7).

BACKGROUND

The applicant is a nonprofit organization that provides a range of services to clients suffering from alcoholism, substance abuse, gambling addiction, and mental health problems with 56 total off-street parking spaces. The applicant has operated in New Haven for almost 10 years at a different location (419 Whalley Avenue) and seeks to relocate to the subject property which was formerly a CVS.

THE BOARD OF ZONING APPEALS MARCH 28, 2023 PUBLIC HEARING

The attorney representing the applicant, Carolyn Kone presented the item stating the structure is in the CGD zone and the parking area is in the RM-2 zone as the project site is divided by zoning district. The parcel has operated in this fashion with the structure most recently used as a CVS for the past 22 years. Counseling is done on site and medication prescribed but not provided on site, this is not a methadone clinic. The surrounding area consists of residential to the North with commercial uses to the East and West. No alterations are being done to the exterior, parking lot will be repaved and striped and renovations will be done within the interior only, with storm water retention systems being updated as well. The parking lot contains 56 spaces, with 3 entrances on Whalley, County and Orchard creating three front yards. A buffer is provided between the parking spaces and residential uses with trees existing and more to be added to the north, with a fence provided in the other areas, with one light pole located in the lot and light pollution does not encroach over the property lines. No churches or schools within 500ft and is in accordance with the comprehensive plan. The applicants have met 6 times total with the WEB, Dwight, and Dixwell Community Management Teams. ½ of one parking space and another 1 ½ parking spaces are located within the front yard and are pre-existing, these cannot be removed or relocated elsewhere to comply with the required number and will be properly screened. John Deramo, president/CEO of MCAA gave background on the establishment which has operated at its current location at 419 Whalley for 10 years and offers a range of out-patient options. Proposed hours of operation are Mon, Wed, Thurs 9am-9pm, Tues 9am-6pm, Fri 9am-2pm. If parking were not to be provided within the RM-2 portion, this would create a problem during the high-volume times when multiple programs are running simultaneously for staff and clientele. The parking situation needs to be maintained in order to comply with the ADA requirements. CVS was a more intensive use in terms of traffic given that difference in nature with respect to the uses and proposed use is closed on the weekend.

One member of the public spoke in support of the application. Another raised concerns regarding the proximity of the site to a liquor store and daycare. The applicant responded by stating that MCAA seeks to teach clients how to deal with temptations and promote coping mechanisms so being located close to a package store will help with that transition. Furthermore, no loitering is permitted, and security is provided on-site to deal with any problems should they arise.

PLANNING CONSIDERATIONS:

Special Exception Considerations

- Nature of the Proposed Site: The site consists of 6 legal parcels which through common ownership are considered one lot for the purpose of development and is located in two separate zoning districts (CGD and RM-2). The portion of the site located within the RM-2 zone is proposed to be utilized for off-street parking with the structure being located within the CGD.
- Resulting Traffic Patterns: The portion of the site has been and will continue to be utilized as parking therefore, staff does not feel the proposal will have an adverse effect on traffic patterns and circulation.

- Nature of the Surrounding Area: The parcel is located along Whalley Avenue between County and Orchard Street with the neighboring properties along Whalley Avenue being utilized as a variety of commercial uses with residential uses located to the North.
- The Comprehensive Plan: The application is in harmony with the New Haven Vision 2025 plan which states that neighborhood commercial districts are at risk due to several factors including the lack of off-street parking which the proposal seeks to provide.

Additional Considerations for Transition Parking

- The property abuts directly on the lots occupied by the use or uses which such parking is connected.
- No structures will be erected on the RM-2 parcels and any signage within the RM-2 zone will be used to regulate traffic and parking.
- The area of the property used for parking will be suitably paved and drained with significant lighting and landscaping and is arranged so that the flow of automobiles to and from streets will cause minimum interference with vehicular and pedestrian traffic.
- The surrounding residential areas are adequately protected by the location of entrances. The area will be suitably landscaped and a buffer area provided between the paved parking area and all residence districts, and the arrangement of artificial lighting used for the parking area will ensure that all direct rays fall entirely within the paved parking area and are not proximate to any residential use.

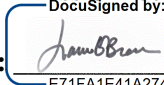
Additional Considerations for Front Yard Parking

- Such parking spaces are necessary to the use with which they are connected and cannot be located elsewhere on the lot.
- The location of the spaces within a required front yard will not depreciate property values or cause vehicular or pedestrian traffic hazards or substantially decrease the open aspect of the street as these spaces are pre-existing.

FINDINGS AND RECOMMENDATIONS

Based on considerations discussed above, the Commission views the Special Exception is essentially in harmony with the general purpose and intent of the ordinance, the City’s Comprehensive Plan and that the public health, safety, and general welfare will be served based on the location of this site and the surrounding infrastructure to support the granting of the special exception. Accordingly, the Commission recommends approval.

ADOPTED: April 19, 2023
Leslie Radcliffe
Chair

ATTEST:  April 24, 2023 | 9:31 AM EDT
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 Laura E. Brown
 Executive Director, City Plan Department